

1 BY MR. ROSENBLATT: Your Honor, the State would
2 call Mrs. Patricia Murphy.

3 BY THE COURT: Patricia Murphy.

4 **PATRICIA MURPHY,**

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

7 BY THE COURT: Come have a seat, please.

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

9 BY THE COURT: Yes, sir.

10 DIRECT EXAMINATION

11 BY MR. ROSENBLATT:

12 Q. Mrs. Murphy, you're a nurse here in Natchez?

13 A. Yes, I am.

14 Q. What kind of nurse are you? Do you have a
15 specialty?

16 A. I am an emergency room nurse. I have had the
17 better part of thirty years in nursing, and twenty years
18 of that have been in the emergency room.

19 Q. And where do you work, please, ma'am.

20 A. I have retired from Natchez Regional after
21 twenty-five years of service there, and I am now employed
22 with Natchez Community emergency room.

23 Q. How long have you been there?

24 A. Full time, a year.

25 Q. And you were working there on February the 21st
26 of this past year?

27 A. Correct.

28 Q. Do you remember that night, Mrs. Murphy?

29 A. Yes, I do.

1 Q. What about that night is memorable to you? Do
2 you remember a particular patient that came in, a little
3 baby?

4 A. Yes, I do. On the night about 9:30, somewhere
5 along in there, Shelley Smith, one of lab technicians or
6 phlebotomist over at the hospital, came running through
7 the doors holding a baby and screamed out that the baby
8 was not breathing. Call a code. All of the emergency
9 room personnel on duty, including the doctor, all ran down
10 to our major trauma room. I lingered behind for a minute
11 or two to page overhead for a code 300 which is an
12 emergency. And during this emergency, other people
13 throughout the hospital come to assist us and give us
14 support. Right after I paged the code 300, I went down to
15 the treatment room. They had the baby on the bed.
16 Resuscitated measures had been started like amboo bag,
17 which is breathing for the baby, and cardiac compressions.
18 We were assisting on getting the baby hooked up to a
19 cardiac monitor and getting an IV started and that sort of
20 thing.

21 Q. A pretty frantic scene?

22 A. Yes.

23 Q. Mrs. Murphy, when you say "they," would you kind
24 of tell us who was there?

25 A. "They" being Dr. Patterson, Angela Godbold, RN.
26 I think Steve Robertson was the nurse from the intensive
27 care unit that responded, two respiratory therapists were
28 there, and myself.

29 Q. What did you do next?

1 A. At that time, I cut the baby's T-shirt off of
2 it, noticing that the baby was clean as a whistle. I mean
3 it looked like it had just come out of a bathtub, had just
4 been put on a fresh T-shirt. There was no drooling, no
5 milk formula, nothing on the clothes. The baby was super
6 clean.

7 Q. Is that typical?

8 A. No. Not by any means. A baby this size usually
9 will be -- will have some drool on it because it's
10 teething at that point, you know. I then -- Dr. Patterson
11 was asking about history. Does anybody know anything
12 about the baby. What's happened. So --

13 Q. And forgive me. What's the point of that? Why
14 is it important to know history?

15 A. It's important to know why, possible clues as
16 to why the baby is not breathing.

17 Q. What sort of information would be important to
18 you?

19 A. Usually a baby or a small child that has had a
20 cardiac respiratory arrest, they will usually -- the death
21 is usually precipitated by an airway obstruction or some
22 type of respiratory problem that causes the heart not to
23 beat. Usually if you go so long without breathing, sooner
24 or later, the heart is going to stop.

25 Q. So it's not the heart troubles --

26 A. Babies is usually -- they quit breathing or
27 their heart stops beating because of a respiratory problem
28 and not a cardiac problem.

29 Q. And it was a respiratory problem y'all were

1 investigating initially?

2 A. Well, you investigate the whole situation.

3 Okay. The baby was not breathing. It did not have a
4 heart beat. You've got to find out what precipitated this
5 event.

6 Q. Was that part of your job?

7 A. Correct.

8 Q. And what did you do?

9 A. I saw that there were people there to take care
10 of the baby. Okay. I left the scene and went out to the
11 waiting room to talk to the family.

12 Q. And who did you talk to? Do you recall?

13 A. I talked to Rebecca, the baby's mother, and a
14 young man. Did not know who he was or what relationship
15 he was to the baby.

16 Q. Do you know who he is now? Did --

17 A. Yes, I do.

18 Q. -- you subsequently learn who he is?

19 A. I have subsequently -- later that night, I
20 found out who he was.

21 Q. And who is he?

22 A. Havard. Jeffrey Havard.

23 Q. Is he here today?

24 A. Yes, he is.

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

27 A. The young man sitting at this table right there.

28 BY MR. ROSENBLATT: Is that sufficient for the

29 Court to recognize --

1 BY THE COURT: It's sufficient. Let the record
2 so reflect.

3 BY MR. ROSENBLATT:

4 Q. That's the same man you talked to that night?

5 A. Correct.

6 Q. Why did you talk to him?

7 A. When -- I don't know who it was that initially
8 put the mother of the baby, Rebecca, and this young man
9 into our triage room. I went out to go find the family.
10 They were in the triage room, the two of them. I went in
11 and noticed that they were both visibly shaken. They were
12 crying, upset. Just -- just totally shocked feeling or
13 acting.

14 Q. What information were you able to get from them
15 that was of help to you?

16 A. Well, when I asked them what happened, both of
17 them started talking at the same time. Both of them -- I
18 kind of stopped them. I said tell me what happened.
19 Rebecca told me that she had gone to the store. They gave
20 the -- she gave the baby her medicine. She left to go to
21 the store. Jeffrey was supposed to bath the baby and put
22 her to bed. And I said, what happened. He said, "I
23 bathed the baby and put her to bed." I asked him, I said,
24 so what happened during this length of time. He said, "I
25 bathed her and put her to bed."

26 Q. He didn't offer you any other explanation?

27 A. Nothing. I said, so, Rebecca gave her her
28 medicine and she left to go to the store, and when you
29 were -- while she was gone, you bathed the baby and put

1 her in the bed. Yes. And I said, so, did anything
2 happen? No. I said nothing out of the ordinary happened,
3 did it? No. No. Everything was fine. Everything is
4 fine. Just bathed her and put her in the bed.

5 Q. And did you go back to report that?

6 A. Yes, I did.

7 Q. What was the scene when you went back?

8 A. When I went back to the room, resuscitative
9 measures were still in progress, and I stepped up to the
10 end of the bed and Angela Godbold said -- she turned
11 around and --

12 BY MR. SERMOS: Objection, Your Honor. Hearsay.

13 BY MR. ROSENBLATT: Your Honor, this is not
14 being introduced to prove the truth of it. It's to
15 set the scene of what this witness is testifying to,
16 to put it into a context. She's not testifying as to
17 the truth of what Ms. Godbold said. It's not
18 hearsay.

19 BY THE COURT: I am going to sustain the
20 objection. She can testify about what she observed
21 and what happened.

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

23 BY MR. ROSENBLATT:

24 Q. Mrs. Murphy, you understand you can just say
25 what --

26 A. Yes. What happened is that when I went back
27 into the room I asked her how was it going, and she turned
28 around and she said, "Look at this."

29 Q. What did you see?

1 A. And she raised the baby's legs up, and I saw its
2 rectal area.

3 Q. What did you see of the rectal area?

4 A. The rectum was gaped open a diameter of two to
5 two and a half centimeters which equals about an inch in
6 diameter, which would probably equal the size of a
7 quarter. Just gaped open.

8 Q. Is that normal?

9 A. That is not normal by any means. The rectum is
10 usually -- the rectum sphincter muscle is usually tight
11 and closed.

12 BY MR. ROSENBLATT: May I approach the witness,
13 Your Honor?

14 BY THE COURT: Yes, sir.

15 BY MR. ROSENBLATT:

16 Q. Mrs. Murphy, I'm going to show you what's been
17 marked as Exhibit 5.

18 A. Uh-hum.

19 Q. This is a picture reportedly taken shortly after
20 the baby's death. I ask you to describe in relation to
21 what you saw that night to what's depicted in that picture
22 of the baby's anal area.

23 A. Okay.

24 Q. Does that reflect what you saw that night?

25 A. No.

26 Q. In what way? In what way does it fail to
27 reflect what you saw?

28 A. When I saw the baby's rectum, it was gaped open.
29 Open. I'm talking like this. Okay? This looks like

1 possibly might be after rigor mortis has set in.

2 Q. Okay.

3 A. That it does not gape open like that. Although
4 the rectum right here is still -- it's elongated. Looks
5 like it might have some tears around the sphincter.

6 Q. And you --

7 A. So that looks better than what I saw insofar as
8 the body was not firm and rigor mortis had not set in at
9 that time.

10 Q. Mrs. Murphy, how long have you been a nurse?

11 A. Twenty-seven years, I think. Something like
12 that.

13 Q. You've seen all sorts of stuff in that time, I
14 guess.

15 A. I have seen just about the worst of the worst,
16 but this has been the worst.

17 Q. Have you seen sexual trauma before?

18 A. Yes, I have.

19 Q. The wounds that you saw to that rectal area, did
20 that indicate to sexual trauma?

21 A. Oh, yeah. Oh, yeah.

22 Q. You sound very clear on that?

23 A. It definitely appeared it to my notion.

24 Q. Did you notice any other injuries on the baby?

25 A. The baby had some bruising around the rectum.

26 The perineum which -- or the vulva which is up toward the
27 front and the vaginal area was bruised around the outer
28 tissue. It had a couple of small bruises on each thigh.
29 It had some bruises on the forehead.

1 Q. Mrs. Murphy, let me show you, if I may --

2 A. Uh-hum.

3 Q. For example, in State's Exhibit Number 4, you --

4 A. Uh-hum.

5 Q. Would you indicate to the jury what you're
6 talking about when you're talking about bruising on the
7 leg.

8 A. Yeah. Little small bruises above the left knee
9 and --

10 Q. Would you indicate that for the jury, please.

11 A. Above the left knee here, and there were some
12 small bruises over here on the right thigh.

13 Q. On Exhibit Number --

14 A. Can y'all see that?

15 Q. On Exhibit Number 6 --

16 A. This one. Okay.

17 Q. Which is a --

18 A. Yes.

19 Q. -- view of the baby's face. Would you show us
20 the bruising there?

21 A. The bruising across the forehead on the right
22 forehead there.

23 Q. And then finally, if I may, in Exhibits Number 7
24 and 8, explain to us the injury that you see in those
25 photographs.

26 A. The bruising on the mouth here on the upper lip
27 and kind of around the edge of the nose there, and then
28 this shows the torn frenulum which is that little piece of
29 skin that connects the upper lip to the gum above the

1 A. Nothing worked. We did get back a heart beat
2 that was -- for a while. I then left the room to go out
3 and talked with the mother again. Someone had moved her
4 to a different room out in the emergency room area, out in
5 the waiting room area, and I talked with her. By that
6 time, the sheriff's deputy was there, and he and I both
7 interviewed Rebecca. And she told me that the --

8 BY MR. SERMOS: Object to what she said is
9 hearsay.

10 BY THE COURT: I'll sustain.

11 BY MR. ROSENBLATT:

12 Q. That's fine. That's fine. I understand, Mrs.
13 Murphy, we're just talking about what you observed. As
14 far as -- you mentioned the respiratory obstruction. Is
15 that what happened to Chloe? She choked, or did she die
16 from other means?

17 A. I think probably the pathologist or whoever did
18 the autopsy would be able to better answer that, but from
19 what we observed when the actual death occurred after we
20 got back a heart beat, it was consistent with the subdural
21 hematoma or major head injury, better known as shaken
22 baby syndrome.

23 Q. So it turned out there was a head injury
24 involved?

25 A. There was a head injury involved.

26 Q. But you never got any indication of that from --

27 A. None. None whatsoever.

28 Q. Mr. Havard or --

29 A. None. They just put the baby to sleep to bed,

1 teeth. Okay. That's torn also.

2 Q. Have you seen an injury like that in children
3 before?

4 A. Usually older children that are walking that
5 will fall or something like that.

6 Q. And do what?

7 A. And have a kind of a blow to the face that will
8 kind of rip the lip. They're usually walking or something
9 like that.

10 Q. And would this child have been walking at six
11 months?

12 A. I doubt it. Very few children do.

13 Q. What would cause this sort of injury in a
14 non-walking baby?

15 A. From everything that I have learned, it's
16 usually something large being shoved into the mouth, being
17 jammed into the mouth.

18 Q. We're not talking about a bottle here, Mrs.
19 Murphy?

20 A. Unh-unh. I wouldn't think so.

21 Q. What happened next in the treatment of Chloe
22 Britt?

23 A. I stayed in the room for a while. I was -- I
24 think I pushed a medicine for -- trying some different
25 resuscitative things. Some dextrose, some glucose to see
26 if we can -- if maybe the blood sugar was real low that
27 might have caused this. We attempted to revive her by
28 giving her some D 10 W. Dextrose, ten-percent.

29 Q. Did anything work?

1 and that was it.

2 Q. As far as they --

3 A. As far as he told me.

4 BY MR. ROSENBLATT: Your Honor, I tender this
5 witness --

6 BY THE COURT: Cross-examination?

7 BY MR. ROSENBLATT: -- for questions of the
8 defense.

9 CROSS-EXAMINATION.

10 BY MR. CLARK:

11 Q. Mrs. Murphy, do you remember giving or writing a
12 statement?

13 A. I am sorry. I can't --

14 Q. Do you remember writing a statement?

15 A. Yes, I do.

16 Q. Okay.

17 BY MR. CLARK: May I approach the witness, Your
18 Honor?

19 BY THE COURT: Yes, sir.

20 (Mr. Clark shows document to Mr. Harper and Mr.
21 Rosenblatt.)

22 BY MR. CLARK:

23 Q. Do you recognize that?

24 A. Yes. That's my writing.

25 Q. Is that the statement that you wrote on that
26 date?

27 A. Uh-hum.

28 Q. What was the day?

29 A. The date is 2-22-02 at 4:15 a.m.

1 Q. So that had been written at the sheriff's
2 office.

3 A. No. It was written in the emergency room right
4 after the incident.

5 Q. To a police officer --

6 A. Yes, it was.

7 Q. -- or deputy sheriff?

8 A. Ronnie Coleman was there.

9 Q. Would you please -- I believe it's on the third
10 page there. I believe I underlined it for you.

11 A. Uh-hum.

12 Q. Where you -- did you not state in that statement
13 that you didn't see any abnormal --

14 A. Abnormality?

15 Q. Yes. Thank you.

16 A. I did write that.

17 Q. With the baby's vagina at the time.

18 A. I did not notice any abnormality --

19 Q. Right.

20 A. Around the vaginal area. Now, the vagina is
21 different from the vulva. Okay.

22 Q. All right.

23 A. It's two completely different areas.

24 Q. Okay.

25 A. The vagina being right in the inside at the
26 opening. The vulva is the tissue that is on the outer
27 part.

28 Q. Okay. And in your conversations with Ms. Britt
29 and with Jeff Havard, you said that he told you that he

1 had given the baby a bath; is that right?

2 A. Uh-hum.

3 Q. And Ms. Britt was there. Did she say anything
4 about that?

5 A. She said that when she left to go to the store,
6 he was supposed to give her a bath and put her to bed
7 while she was gone.

8 Q. Okay. That's what she said.

9 A. Yes. Uh-hum.

10 Q. Okay. Thank you very much.

11 A. You're welcome.

12 BY THE COURT: Any redirect?

13 REDIRECT EXAMINATION

14 BY MR. ROSENBLATT:

15 Q. Mrs. Murphy --

16 A. Uh-hum.

17 Q. Let me ask you. When you were interviewing
18 these people, it was sort of a frantic scene; was it not?

19 A. Uh-hum.

20 Q. And that everyone was sort of talking to you at
21 once?

22 A. They did until I stopped them, and said I can't
23 listen but to one at the time, you know.

24 Q. Now, Mrs. Murphy, in regard to Mr. Clark's
25 question about the vaginal area. You said it appeared to
26 you that the wounds that you saw were consistent with
27 something large being inserted in the rectum?

28 A. Yes, sir.

29 Q. And something large being inserted into the

1 mouth?

2 A. Uh-hum.

3 Q. But you didn't see any evidence necessarily of
4 anything large being into this baby's vagina?

5 A. No, I did not.

6 Q. So two out of three?

7 A. Correct.

8 Q. Thank you, ma'am.

9 BY MR. ROSENBLATT: That's all I have, Your
10 Honor.

11 BY THE COURT: You may step down. Would each
12 side release this witness?

13 BY MR. SERMOS: Yes, we release her, Your Honor.

14 BY MR. HARPER: Yes, Your Honor. We'd release
15 her.

16 BY THE COURT: You'll be released under your
17 subpoena. You may go.

18 BY THE WITNESS: Thank you.

19 (Witness steps down.)

20 BY THE COURT: Who does the State call as your
21 next witness?

22 BY MR. ROSENBLATT: Your Honor, the State would
23 call Dr. Laurie Patterson.

24 BY THE COURT: Dr. Laurie --

25 BY MR. ROSENBLATT: I am sorry. Our next two
26 witnesses are physicians, and we believe we have them
27 available but --

28 BY THE COURT: Do you want to check real quick?

29 (Mr. Rosenblatt checks to see if the witnesses are in

1 the courthouse.)

2 BY MR. HARPER: Judge, apparently, Dr. Patterson
3 is in route and should be here shortly. We have the
4 coroner here. If it please the Court, we'll go ahead
5 and call him now. I don't think --

6 BY THE COURT: Is that what you desire to do?

7 BY MR. HARPER: Yes, sir. We'll just go ahead
8 and call him at this point and she should be here --

9 BY THE COURT: James Lee.

10 BY MR. HARPER: Yes, sir. James Lee. She's
11 here now, Your Honor. Let us just go ahead and call
12 her. I apologize to the Court. I hate to keep her
13 waiting now that I've got her rushed up here. I
14 think she worked last night and woke her up to get
15 her down here.

16 BY THE COURT: Come forward and be sworn,
17 please.

18 DR. LAURIE PATTERSON,
19 having been duly and legally sworn, answered
20 questions on her oath as follows, to-wit:

21 BY MR. ROSENBLATT: May I proceed?

22 BY THE COURT: Yes, sir.

23 DIRECT EXAMINATION

24 BY MR. ROSENBLATT:

25 Q. Dr. Patterson, thank for being here with us
26 today. Would you tell this jury where you work and what
27 you do, please, ma'am.

28 A. I am an emergency room physician at Natchez
29 Community Hospital.