

1 arguments by counsel for each side. Keep in mind
2 that what the attorneys tell you is not evidence in
3 this case. You heard the evidence by way of the
4 sworn testimony of the witnesses from the witness
5 stand and also any exhibits that have been admitted
6 into evidence which the Court will allow you to go
7 back with you into the jury room. If the attorneys
8 in making their closing or final arguments, if they
9 recall the testimony of the witnesses different from
10 what you recall the witness saying, you're to use
11 your own recollection of what you heard the witness
12 say from the witness stand. So at this time, the
13 Court is going to allow the final or closing
14 arguments, first by the State. Mr. Rosenblatt.

15 **BY MR. ROSENBLATT:** Thank you, Your Honor. Ladies
16 and gentlemen, in Wilkinson County last year a man was
17 convicted for robbing the main street liquor store, and he
18 took five bottles of Crown Royal, and when the judge asked
19 him why he did it, he looked up at her kind of puzzled and
20 said, "Because I ran out of something to drink". As a
21 prosecutor I certainly don't approve of that activity,
22 but as a human being I can understand this. It makes some
23 sense to me. This case is not like that. This case I
24 cannot understand. Please don't try to understand this
25 case. We cannot understand what makes a man do what
26 Jeffrey Havard did. We cannot understand the testimony
27 that we've heard from the witness stand. Try not to put
28 yourself in his shoes. Clean-cut looking young man and
29 try to figure out why could he have done something like

1 that. Believe Jeffrey Havard's statement when he tells
2 you, "I can't explain it." When the deputies ask him,
3 "How do you explain the damage that was done to her rear
4 end" what did he say? "I can't explain it." "I don't
5 know how -- I don't know of no way to explain it."
6 Believe that because there is no way to explain it. We
7 cannot understand what happened. Again when he says, "I
8 am going to ask you one more time, did you molest the
9 baby?" "No, I did not." "How do you explain her being
10 molested?" "I can't explain it." We don't expect an
11 explanation for this kind of behavior, for this kind of
12 activity. Rather than try to understand why, let's focus
13 on what happened because that's our job today. Your job
14 as a juror as we told you when this case began is to
15 determine the facts to determine what happened and then
16 apply those facts to the law that the Judge has given you.
17 What do we know that happened. The only person, the only
18 person in the house with the baby. That's correct. Me
19 and the baby. The only person in the house, me and the
20 baby. And what did Jeffrey do? Do you remember after
21 Becky went to the grocery store and got groceries. She
22 came back from the grocery store and what does Jeffrey say
23 in his statement? Shh. Don't bother her. Don't go in
24 there. Don't go in where the baby is. Now, ladies and
25 gentlemen, I don't know exactly what happened when. I am
26 not able to tell you when the dastardly deed took place.
27 I know it was some time while Becky was gone. I don't
28 know which trip she was gone that he actually did what he
29 did or maybe both times. I don't know, but I do know when

1 she came back from the grocery store, the testimony from
2 the witness stand and by the statement you have here, he
3 told her shh. Don't go in there. Leave the baby alone.
4 But she went in there, made a brief check in the dim
5 light, heard a funny noise, thought that everything was
6 okay. She was terribly wrong. When she came back the
7 second time from the Blockbuster, and isn't that
8 interesting. She comes back from the grocery store,
9 groceries in her hand and immediately he hands her \$20.00
10 and says, "Now, go to Blockbuster." Clear across town.
11 This is not a normal family situation. This is not
12 something typically you would expect for the man to say,
13 "You go. Leave me here with the baby." And remember this
14 was a man she had moved with in three weeks before along
15 with her baby. Look at what we do know. When she comes
16 back from the Blockbuster, where is Jeffrey? In the
17 bathroom, the door closed. Where else could he be? Could
18 he be standing there when she comes in and finds her
19 child. When she comes in and finds her baby lifeless in
20 the crib, could he be standing there? No. That would be
21 impossible. There's no way he could do that. He's in the
22 bathroom. When she screams and he comes out. Ladies and
23 gentlemen, this is a -- this is a hard case. This case
24 has been filled with emotion, and the Judge has read you
25 an instruction that your decision is not to be based on
26 passion. Your decision is to be based on the facts that
27 came from this witness stand. Ladies and gentlemen, there
28 has still been a lot of emotion in this case, and I don't
29 think you can disregard the emotion you heard from the

1 witness stand. You heard seasoned deputies. You heard
2 medical personnel. I just think of Ms. Murphy, been a
3 nurse for thirty years. Nurse Godbold, been an emergency
4 room nurse for ten years, and what did they say? I have
5 seen nothing like it. It affected them. It upset them,
6 what they saw, and every one of them when they saw that
7 baby said this baby has been sexually assaulted. This
8 baby has been sexually penetrated. They were shocked.
9 The first thing they did in the middle of their treatment
10 was call the law. This baby has been assaulted. I think
11 especially the remark that Coroner Lee -- and this is our
12 coroner. I mean, just imagine what he sees, and what did
13 Coroner Lee see when he came in there and took one look at
14 that baby and he said something is terribly wrong.
15 Remember the testimony that you heard. You heard from
16 Nurse Godbold, Nurse Murphy. Immediately told you this
17 baby has been penetrated. You heard from Dr. Patterson.
18 Told you the same thing. Every one of them agreeing. And
19 then you heard Dr. Dar who along with Dr. Patterson looked
20 into the baby's eyes and said, "I see retinal hemorrhage.
21 This baby is a shaken baby. She's got brain damage. She's
22 in bad trouble." They didn't know the baby had been hurt
23 from Jeffrey. Jeffrey comes to the hospital and says
24 nothing about how the baby could have been hurt. Nothing
25 to aid in the treatment of this child. Only later does he
26 give the statement explaining what might have happened to
27 the baby, and nothing at the time when it could have
28 helped. Remember the testimony of Dr. Hayne who told you
29 that this baby died of head trauma of being shaken

1 violently. A violent shaking would be the equivalent of
2 being in a car wreck, of being dropped from a high height
3 is the injury that this baby suffered to her head. Again
4 shaken violently. And after having been sexually
5 penetrated. Ladies and gentlemen, this has been a hard
6 case in many ways. It's been a hard case emotionally, but
7 it's not a hard case factually. Everyone has agreed on
8 what happened. Every one of our witnesses said
9 immediately when they saw that child, they knew exactly
10 what had happened. This baby was shaken to death having
11 been sexually assaulted, and ladies and gentlemen, don't
12 try to understand it. Don't try to figure out how it
13 could have happened. Just know what did happen and render
14 your verdict of guilty of capital murder because that's
15 what this man is over there for doing that to this child.

16 BY THE COURT: Mr. Clark.

17 BY MR. CLARK: Thank you, Your Honor. Ladies and
18 gentlemen, we have heard several days of testimony here.

19 BY THE JURORS: Can you speak louder, please.

20 BY MR. CLARK: We've heard several days of testimony
21 here. We've heard various law enforcement officers talk.
22 We've heard various and sundry doctors, nurses,
23 specialists, people like that in the medical profession,
24 and we've heard a taped statement that was given by
25 Jeffrey Havard in this case too about what happened that
26 night. I'm sure you remember what he said yesterday.
27 That what -- he was like anybody else that had a terrible
28 accident to happen. He panicked. He didn't mean to drop
29 that child. You saw the tape. You saw his reaction. You