

IN THE SUPREME COURT OF MISSISSIPPI

PAGES NUMBERED 301-450

VOLUME 5 of 7

EXHIBIT _____

ELECTRONIC DISK _____

Case #2003-DP-00457-SCT

COURT APPEALED FROM : Circuit Court

COUNTY : Adams

TRIAL JUDGE : Forrest A. Johnson Jr.

.....
Jeffrey Keith Havard v. State of Mississippi

.....
Betty W. Sephton, Clerk

.....
TRIAL COURT # : 02-KR-0141-J

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IN THE CIRCUIT COURT OF ADAMS COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS

CAUSE NO. 02-KR-141

JEFFREY HAVARD

DEFENDANT

VOLUME THREE

TRANSCRIPT OF THE PROCEEDINGS HAD AND DONE IN A TRIAL IN
THE ABOVE STYLED AND NUMBERED CAUSE BEFORE THE HONORABLE
FORREST A. JOHNSON, JUNIOR, JUDGE OF THE COURT AFORESAID,
AND A JURY OF TWELVE MEN AND WOMEN, ON THE 16TH, 17TH,
18TH, AND 19TH DAYS OF DECEMBER, 2002, IN THE CIRCUIT
COURTROOM OF THE ADAMS COUNTY, MISSISSIPPI COURTHOUSE.

APPEARANCES:

Present and Representing the State:

HONORABLE RONNIE HARPER
District Attorney
Sixth Judicial Circuit District
Natchez, MS 39120

HONORABLE TOM ROSENBLATT
Assistant District Attorney
Sixth Circuit Judicial District
Natchez, MS 39120

Present and Representing the Defendant:

HONORABLE GUS SERMOS
Attorney at Law
P. O. Box 621
Summit, MS 39666

HONORABLE ROBERT CLARK
Attorney at Law
Vidalia, LA

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1 child. She seemed always to have a runny nose, and she
2 had sinus problems. Then she had them on this particular
3 day which was February the 21st of this year. The
4 testimony will also show from the day care workers that
5 the mother in their opinion probably wasn't the best
6 mother in the world because she didn't always bring the
7 child's medicine, and on that particular day, I believe
8 she had not brought the child's medicine that Dr. Dar had
9 prescribed for her to take, and they were concerned about
10 her on a regular basis because of the fact that she was a
11 sickly child and because the mother did not, in their
12 opinion, properly care for her. Now, about 5:30, Ms.
13 Britt picked the child up from the day care, went home to
14 the trailer that she and Jeffrey stayed in which belonged
15 to his grandparents, as you know, as you were told by Mr.
16 Rosenblatt. You also were told that Ms. Britt doesn't
17 work. That Jeffrey had worked, but he had given up his
18 job on the river as a deckhand. If you know anything
19 about working on a river like that, that's quite -- you're
20 out for a long period of time, usually forty-five to sixty
21 days. It's not conducive for a relationship so -- with
22 another person. Now, about 7:45 that evening, Mr.
23 Britt -- I mean, Ms. Britt went to Natchez Market to get
24 groceries as Mr. Rosenblatt told you. That Jeffrey had
25 given her some money to go get some groceries. She got
26 back about 8:30. She checked on the baby. The baby
27 appeared to be fine. Jeffrey gave her \$20.00 to go to
28 Blockbuster to get movies. She went to Blockbuster. She
29 got there. She got the movies and came back to the

1 trailer about 8:40. About 8:45 she arrived at Blockbuster
2 and she was back around 9:00 according to her testimony.
3 At that time, she checked on Chloe. Chloe was turning
4 blue. The child was still alive. We believe this
5 testimony will show that she did -- took the baby in the
6 living room, attempted to do CPR. At that point Jeffrey
7 said let's go to the hospital and they went. With some
8 discussion about which hospital, whether they should go to
9 the closest one or if they should go to the one that her
10 mom went to -- that her mom worked at. They ended up
11 going to Natchez Community where her mother worked. They
12 brought the baby. The baby was examined. I believe the
13 testimony will show it was about 9:40 that evening the
14 baby was brought into the emergency room. At
15 approximately 10:50, the baby was declared dead. Jeffrey
16 Havard said in his statement that you will hear from
17 the -- during the course of the trial that he did give
18 the baby a bath. The baby was sick that day. Had been
19 sick, and he gave her a bath. Thought it would calm her
20 down and make her feel better and she could sleep better.
21 He was getting the baby out of the tub, and you will see
22 pictures of this during the course of the trial. It's a
23 garden tub which is a rather deep tub in the trailer.
24 Inside that was another smaller baby tub that she was
25 actually bathed in. That's where he bathed her, in the
26 small tub. And then getting her out of the tub, he turned
27 around and the baby slips. It hits the toilet. Tragic.
28 No intent to hurt that baby, and what did he do? He did
29 the best he could. He panicked, but he did the best he

1 could. He tried to talk to the baby. He got the blood
2 out of her mouth from where she had hit the toilet, and
3 she became calm after a while, and he took her and put her
4 in the bed. And as her mother testified, and as her
5 mother will testify, that she came back from the store,
6 grocery store, and found the baby to be calm in the bed.
7 Jeffrey did not intend to kill this child. This was an
8 accident. He had never given the baby a bath before. He
9 didn't know what to do and, of course, he did the wrong
10 thing. He didn't tell anyone about it, but simply because
11 he didn't tell anyone about it doesn't mean that it wasn't
12 an accident, ladies and gentlemen. You will hear
13 testimony from the witnesses. The State puts on first,
14 and then you'll hear witnesses that we will put on. In
15 order for Jeffrey to get a fair trial, you have to listen
16 to the evidence very attentively as to exactly what
17 happened on that particular night. You'll hear exactly
18 the time sequence, you'll hear exactly what the doctors
19 and other medical personnel testified to, and we certainly
20 know that you will do that very attentively. And once you
21 have heard all the evidence and go back in there to
22 deliberate, we believe that you will find him not guilty.
23 Thank you.

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

26 BY MR. HARPER: Your Honor, we would call
27 Sheriff William T. Ferrell, Junior.

28 BY THE COURT: All right. Sheriff Ferrell.

29 BY MR. HARPER: Your Honor, we're calling

1 Sheriff Ferrell. He's a little bit out of turn, but
2 we had anticipated using him -- requesting that he be
3 allowed to remain in the courtroom as our case agent,
4 and we understood the problems that might rise under
5 the rule with him being in here prior to testifying.
6 So we're going to go ahead and call him first, please
7 the Court.

8 BY MR. SERMOS: Your Honor, may Mr. Harper and I
9 approach one moment about that?

10 BY THE COURT: Yes, sir.

11 (A bench conference was had about Sheriff Ferrell's
12 testimony, out of the hearing of the jury.)

13 BY THE COURT: If you'll swear the witness.

14 SHERIFF WILLIAM T. FERRELL, JUNIOR,
15 having been duly and legally sworn, answered
16 questions on his oath as follows, to-wit:

17 BY THE COURT: If you'll have a seat, please.

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

19 BY THE COURT: Yes, sir.

20 DIRECT EXAMINATION

21 BY MR. HARPER:

22 Q. Would you state your name for the record,
23 please, sir.

24 A. Tommy Ferrell, Sheriff, Adams County,
25 Mississippi.

26 Q. And, Sheriff Ferrell, how long have you served
27 as the sheriff here in Adams County?

28 A. I was first elected sheriff in the November of
29 1987. I've been employed as a deputy sheriff since 1969.

1 Q. Okay. And obviously you were serving as the
2 sheriff back on February the 21st of this year, 2002; is
3 that correct, sir?

4 A. Yes, sir. I was.

5 Q. All right, sir. Did you have occasion to
6 receive a report concerning an injured child on that
7 particular day?

8 A. Yes, sir. I did. At approximately 9:30 p.m. --
9 I'm sorry. At 10:30 p.m. on the evening mentioned,
10 February the 21st of 2002, I received a call at my home
11 from Major John Manley, a deputy sheriff with the Adams
12 County Sheriff's Department to the effect that the
13 sheriff's office was investigating a death of an infant
14 that had occurred, and the child had been brought into the
15 local Natchez Community Hospital, DOA, dead on arrival,
16 and that officers were at the hospital and that there was
17 some suspicious involvement involving the child and
18 requested that I respond.

19 Q. Okay, sir. And what, in fact, did you do upon
20 receiving that report?

21 A. After that initial report at 10:30 p.m. I
22 responded to the Natchez Regional Hospital emergency room
23 where the officers were located and I met with deputy --
24 Major John Manley.

25 Q. Who, if anyone, if you can recall, from your
26 office was there at the time you arrived?

27 A. Upon my arrival, I met with Deputy John Manley,
28 the major in charge of criminal investigations with the
29 sheriff's office. There were two doctors present. Dr.

1 Laurie Patterson and Dr. Cadle, along with nurses of the
2 emergency room, a Patricia Murray and Sheila Smith along
3 with the grandparents of the deceased child, a Johnny and
4 Lillian Watson of Ferriday, Louisiana.

5 Q. All right. Were any of your other officers
6 there, or do you recall whether any other officers were
7 there at that time?

8 A. At the immediate moment I arrived, Deputy Buddy
9 Frank and Deputy Ray Brown had been ordered away from the
10 hospital. They had removed -- I found out at that time
11 the -- Rebecca Britt, the mother of the deceased child,
12 and Jeffrey Havard, the boyfriend, to the sheriff's
13 office. So they were in route to the sheriff's office
14 upon my arrival.

15 Q. What, if anything, did you do when you got to
16 the hospital?

17 A. After being briefed by the Major John Manley, I
18 then requested to speak to the attending physicians on
19 duty at the emergency room. Those that I mentioned, Dr.
20 Patterson and Dr. Cadle. As I did that, I requested to
21 view the body of the deceased child. I was brought in the
22 examination room along with Deputy Manley and myself, and
23 I was then shown the body of a six-month-old white female
24 baby child that was identified to me as Chloe Madison
25 Britt. I then upon examining --

26 BY MR. SERMOS: Objection, Your Honor, to
27 whatever the sheriff found upon examination. We have
28 physicians or nurses that can testify as to what was
29 found --

1 BY MR. HARPER: Your Honor --

2 BY THE COURT: I'll allow him to just testify as
3 a lay person to what he observed as a lay person.

4 BY MR. HARPER:

5 Q. If I may, Sheriff, I believe you testified you
6 have been in law enforcement since 1969?

7 A. That's correct.

8 Q. And during the course of that time, how much of
9 that time have you spent in felony investigations?

10 A. My entire career.

11 Q. And roughly how many murder investigations have
12 you been involved in during that period of time?

13 A. Over -- well over a hundred.

14 Q. Okay, sir. And, of course, you are not a
15 medical personnel, but based on your experience and
16 training as a law enforcement officer, what observations
17 did you personally make as to the body at the time that
18 you saw the child there at the hospital?

19 A. Dr. Patterson was the explaining physician upon
20 my request of showing me the body. Upon viewing the body
21 at the time and the descriptions, I observed bruises on
22 the forehead and the facial area of the small infant
23 child. I detected that the -- I was shown trauma. I saw
24 trauma to the anal area and --

25 Q. When you saw trauma, Sheriff, just as best you
26 can in laymen's terms, what did you observe?

27 A. In laymen's terms, trauma that I described is
28 described as tears, rips, torn, obvious invasion of the
29 anal area.

1 Q. You could visually see that yourself?

2 A. Yes, sir.

3 Q. Okay, sir.

4 A. I also saw secretions that were still visible
5 from the damaged area as the area was pointed to me by the
6 doctor. I then observed -- I mentioned earlier bruises on
7 the forehead and the facial area. The child that I
8 observed was lying on her back on the examination table.
9 She was nude except for a disposable diaper that partially
10 covering a portion of the body. I asked for the diaper to
11 be removed so that I could see the child and the body.
12 After examining, obviously the trauma to the anal area and
13 to the forehead of the child, I then observed the mouth
14 area of the child. The child's left side of the mouth
15 seemed to have trauma or a tear on the left side of the
16 mouth. There was secretion coming from the nasal area of
17 the child. Obviously the secretion coming from the nose
18 had been wiped away from the face. I was informed by the
19 doctor that CPR had been administered upon the arrival of
20 the child, continuously from the first observation which
21 -- but regardless of that, I could still see the
22 secretions coming from the nose. If the mouth was open
23 for me, I could see inside the mouth and observed what I
24 determined in laymen's terms to be trauma or some
25 indication that there had be something in the child's
26 mouth.

27 Q. Okay, sir. After you had an opportunity to
28 observe the child's body, what did you do at that point in
29 time?

1 A. After the examination, I then ordered
2 photographs taken of the body by Deputy John Manley and
3 another deputy, Deputy Buddy Frank who was redispached to
4 the hospital to bring an additional camera, and after
5 the -- I ordered the photos taken of the body, I then
6 instructed Deputy Manley to immediately contact the
7 coroner, James Lee of Adams County, Mississippi. Summoned
8 him to the scene. He had been summoned while I was in
9 route. I instructed Coroner Lee to seize the body and
10 have the body transported immediately for autopsy due to
11 the nature of the suspicious investigation. I requested
12 that the body be sent to the state crime lab or be -- I am
13 sorry. To be examined by the State Medical Examiner in
14 Jackson, Mississippi, because of the seriousness of the
15 charge. We then -- I then ordered the emergency room
16 personnel and doctors to allow me to seize all of the
17 materials, physical materials, the sheets, the diaper,
18 every piece of material that the child had been in contact
19 with at the hospital for seizure for criminal evidence to
20 be transported to the state crime lab.

21 Q. Okay, sir. And after having done those things,
22 what, if anything, did you do, if anything, at the
23 hospital at that point?

24 A. After the seizure of the physical evidence and
25 the body and I determined that the body was secured by
26 James Lee, the coroner, and was actually placed in the van
27 to be transported, I then left the hospital and went to my
28 office at the Adams County Sheriff's office.

29 Q. And what, if anything, did you do when you got

1 to the sheriff's office?

2 A. When I arrived at the sheriff's office, I
3 instructed the officers that had transported Jeffrey to
4 the sheriff's office and placed him in the holding cell to
5 place a charge of -- potential charge of capital murder.
6 Hold him for capital murder investigation at that
7 particular point. I then instructed the office while I
8 was en route to put me in contact with the District'
9 Attorney, Ronnie Harper, yourself, so that I could share
10 the information with him that we were determining the
11 investigation to determine if there was enough evidence
12 for a charge on Jeffrey Havard. That, in fact, was done
13 and I conferred with the district attorney on the evidence
14 that had been presented to me and the investigation that
15 was ensuing to hold Jeffrey Havard for investigation of
16 capital murder.

17 Q. Okay, sir. And was this prior to arriving at
18 the sheriff's office or in transit, or was it after you
19 had arrived there?

20 A. When I arrived there, I was met by -- you and I
21 met together.

22 Q. Okay, sir.

23 A. As the district attorney you had been summoned
24 from your home and met me at the hospital where we had
25 conferred on the information that I had at the time.

26 Q. Okay, sir. What, if anything, else did you do
27 once you and I had talked. What did you do at that point?

28 A. Once we had determined that we would hold for
29 the investigation, I then instructed the officers to have

1 Rebecca Britt, the mother of deceased, brought to my
2 office for interrogation. And I, at that time,
3 interrogated Rebecca Britt, the mother of the deceased
4 child, to determine the facts leading up to the death and
5 the potential reason of the death for the infant.

6 Q. Okay, sir. You talked with Ms. Britt yourself?

7 A. Yes, sir.

8 Q. Do you know whether or not statements were
9 subsequently taken from her as to what her --

10 A. Yes, sir.

11 Q. Okay.

12 A. Statements were subsequently taken of what she
13 said and the details leading up to the investigation.

14 Q. Okay. What about Mr. Havard? What, if
15 anything, was done with him? Did you have occasion to
16 talk to him yourself?

17 A. Not that night. No, sir. I did not. I ordered
18 him held temporarily in the holding cell which is a cell
19 downstairs in the lower portion of the jail, not in
20 general population and not in the general jail, until we
21 could complete our initial investigation.

22 Q. Do you know whether or not any interviews were
23 made with him on that particular evening?

24 A. On that particular evening, there was a general
25 verbal statement given by him to Deputy John Manley.

26 Q. Okay, sir. And to your knowledge, were any
27 subsequent statements made to him?

28 A. Yes.

29 Q. And do you recall when they would have been and

1 what form, if anything, they took and who they were to?

2 A. Yes. During the course of the investigation
3 report, and by that, I mean, I was following the
4 investigation. I was in charge of the investigation.
5 Issued instruction to the officers of what to do. This
6 particular incident was reported on -- I think we
7 mentioned the 21st which was Thursday night. Subsequently
8 on Saturday night, the following Saturday night, I was
9 contacted by Major Manley about eight p.m. that evening at
10 my home that indicated to me that Mr. Havard had voiced
11 through a jailer or had indicated through a jailer that he
12 wanted to speak with Deputy Manley. Deputy Manley asked
13 me for instructions at that point, should he talk to him.
14 It was determined that because the contact had been made
15 from Mr. Havard to Deputy Manley and not from Mr. Manley
16 to Havard, that he was within legal recourse to interview
17 Mr. Havard. He did at that time. I instructed him to
18 obtain a written statement, and I then instructed him to
19 obtain a videotaped statement of which he subsequently
20 reported to me at approximately 9:30 that Saturday night
21 the statement has been secured and a video statement taken
22 and what was in that statement.

23 Q. Okay, sir. And without going in detail about
24 what the statements were, I'll just ask you this, Sheriff.
25 Was the statement he gave on that Saturday consistent or
26 inconsistent with the statement he had given on the night
27 of February 21st of 2002?

28 A. The statement on Saturday evening was totally
29 inconsistent with the initial statement on the Thursday

1 evening. As a result of the statement, I ordered Deputy
2 Manley to formally charge Jeffrey Havard with the charge
3 of capital murder at which time it was done.

4 Q. Okay, sir. If you would, just tell us what, if
5 anything, else you can as to the investigation subsequent
6 to that. What, if any, other actions were taken?

7 A. Once the investigation started its own course,
8 there were many people that were found to be involved
9 that was determined that the investigation would have to
10 interview. It was determined by me from the mother of the
11 child that the child had been picked up from a nursery
12 school prior to -- earlier in the evening of the incident
13 of the 21st of February. She identified the school to me
14 as the day care, United Methodist day care. I ordered
15 officers at that time to obtain statements from the
16 employees of the United Methodist day care who may have
17 come into contact with the child. I later learned that
18 the child had been suspiciously involved in the incident
19 in a house trailer located at number 33 Montgomery Road in
20 Natchez in Adams County which is a subdivision east of
21 town. While I was interviewing Rebecca Britt, I obtained
22 a permission to search from both she and the defendant,
23 Mr. Havard, for officers to search that trailer that
24 evening. During the course of which they did and obtained
25 evidence there that I think may be further coming in this
26 case. I ordered the written statements to be obtained
27 from Dr. Laurie Patterson and Dr. Cadle, the attending
28 physicians on duty as well as the two nurses that I
29 mentioned, Patricia Murray and Shelley Smith. We also

1 ordered the statement taken from a Dr. Dar who was the
2 pediatrician that had been assisting or treating the child
3 since her birth, and during the course of the
4 investigation it was determined that the mother had been
5 in and out of the trailer and in one instance had gone to
6 rent some movies at the local Blockbuster. Statements
7 were obtained from the employees of Blockbuster video to
8 determine her activities during the time.

9 Q. Were you able to talk with those people at the
10 Blockbuster?

11 A. Yes. And the statements were obtained, and we
12 talked with Nancy Barfoot, who is the manager of the
13 Blockbuster, and Scott Bandy, I believe is his name, who
14 is actually the person who rented the movie that night at
15 the Blockbuster to Rebecca, and we were able to trace that
16 by a sales slip that was obtained during the search of the
17 trailer with a permission to search, and that's what led
18 us to them.

19 Q. Did you, in fact, obtain anything from
20 Blockbuster as far as any kind of video surveillance that
21 they may have had that would have indicated that this
22 young lady was in the store that night?

23 A. All the indications with the receipt and other
24 items tended to prove she was there that night.

25 Q. And that was consistent with what she had told
26 you?

27 A. Yes, sir.

28 Q. All right, sir. Anything else?

29 A. I think those are the general witnesses other

1 than the exchange between me and the officers in the
2 direction of the investigation.

3 Q. Okay, sir. You had indicated that you had
4 obtained some physical evidence from the trailer and
5 hospital. Was that submitted to the Mississippi Crime
6 laboratory for analysis?

7 A. Yes, sir. At approximately 11:45 the next day,
8 I was in contact with the director of the state crime lab
9 to ask for a specific handling and a rush placed on these
10 tests when all the evidence was gained. I was also back
11 in touch with the district attorney's office the next day
12 to obtain a court order for samples from the suspect
13 Havard at that time. All of the evidence was gathered and
14 transported to the crime lab by a deputy on the following
15 Monday to begin an analysis in this case.

16 Q. Okay, sir. And samples were taken from the
17 defendant?

18 A. Yes, sir. By court order, and those were
19 submitted to the crime lab along with all the physical
20 evidence taken from the locations that you mentioned.

21 BY MR. HARPER: The Court will indulge me just
22 one moment, Your Honor.

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

24 BY MR. HARPER:

25 Q. Sheriff, just a couple of more questions. The
26 location at 33 Montgomery Road and the incidents or the
27 things that took place on the night of February 21st,
28 2002, for the record, what county and state would those
29 locations be in?

1 A. They're located in Adams County, Mississippi.

2 Q. And the person that you have testified tonight
3 concerning this particular case is Jeffrey Keith Havard.

4 A. That's correct.

5 Q. You obviously did have some contact with him on
6 that night and subsequently?

7 A. Yes, sir.

8 Q. Would you be able to identify him for us today
9 if he's in the courtroom?

10 A. Yes, sir.

11 Q. Would you do that for me, please.

12 A. He is the gentleman sitting on the far right
13 table located next to Mr. Robert Clark, the attorney.

14 BY MR. HARPER: Your Honor, we'd ask that the
15 record reflect that the witness has identified the
16 defendant, Jeffrey Keith Havard.

17 BY THE COURT: Let the record so reflect.

18 BY MR. HARPER: Thank you, Your Honor. We
19 tender the witness at this time.

20 BY THE COURT: Cross-examination.

21 BY MR. SERMOS: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. SERMOS:

24 Q. Sheriff, I noticed while you were testifying,
25 you were refreshing yourself with some notes you have; is
26 that right?

27 A. Yes, sir.

28 BY MR. SERMOS: Your Honor, may I approach and
29 look at the notes pursuant to Rule 612 and see what

1 notes it was he was refreshing himself with.

2 BY THE COURT: You will be allowed to do that.

3 BY MR. SERMOS: Thank you, Your Honor.

4 (Mr. Sermos approaches witness.)

5 A. This is my case report that you have in the
6 file, and these are just written notes.

7 BY MR. SERMOS: Thank you, Your Honor.

8 BY MR. SERMOS:

9 Q. Sheriff, you stated earlier that you had gotten
10 a consent to search from the person charged here, Jeffrey
11 Havard. Isn't that correct?

12 A. Yes, sir.

13 Q. And he voluntarily gave that to you, didn't he?

14 A. Yes, sir.

15 Q. From all the information you found when you got
16 to the hospital, Mr. Havard voluntarily went to the
17 hospital, didn't he?

18 A. To my knowledge. Yes, sir.

19 Q. And, in fact, he rode up there with the child,
20 Chloe Madison Britt, and Rebecca Britt; is that right?

21 A. Yes, sir. I don't believe I testified to that,
22 but that's how they got there.

23 Q. Correct. Thank you, sir. You've testified now,
24 though. Thank you, sir. Anyway, also on your report, you
25 talked about many things you were doing as the sheriff to
26 coordinate the investigation. Did you ever order that the
27 location where Jeffrey Havard lived and Rebecca Britt
28 lived, did you ever order that place sealed off as a crime
29 scene?

1 A. Yes, sir. I did.

2 Q. How long was it sealed off?

3 A. I can't answer the question. I don't know the
4 length.

5 Q. Maybe two or three days?

6 A. Possibly that length of time. I can assure you
7 it was at least through that Monday when the evidence was
8 transported to the state crime lab from that Thursday.

9 Q. And you had mentioned in your review that you
10 had ordered the deputies to do many things, of course, but
11 one of the things that you ordered them was to seize all
12 the covers and sheets and anything back at the mobile home
13 or the residence that had either blood or DNA or something
14 that you thought might be relevant; is that correct?

15 A. That is correct.

16 Q. Okay. And as you know, one of the initial
17 charges other than capital murder when you said there was
18 a suspected act, was suspected sexual battery; is that
19 right? Or some form of assault?

20 A. Yes, sir.

21 Q. Okay. Now, we know that the deputies brought in
22 sheets and pillow cases or wrappings, towels, and looked
23 at laundry. Do you recall if any of your deputies ever
24 seized any objects that could -- somebody could assault a
25 person with? For example, a sexual battery, one of the
26 definitions under the law is assault can be with a finger
27 and penis or an object. Do you know if any of the
28 deputies seized any objects that they wanted to look at to
29 see if those objects had been used?

1 A. I am not aware of any objects. I reviewed
2 briefly the items seized, and the deputies would be better
3 suited to testify as to what they actually did see, but,
4 no, sir. I'm not familiar with any.

5 Q. Okay. Do you recall if any of your deputies
6 told you that they had conducted, shall we say, I'll use
7 the term "a search." At least a good sweeping view or
8 search of the outside of the mobile home. For example,
9 underneath the mobile home. Did you ever hear about that?

10 A. No, sir.

11 Q. Or on the grounds or the premises around there?

12 A. The general grounds and premises, yes, sir,
13 because of the officers there, but, again, the officers
14 can testify to you exactly where they went.

15 Q. All right. And also when Mr. Havard wanted to
16 speak to Major Manley, it was Mr. Havard that initiated
17 that conversation: isn't that right?

18 A. That's correct.

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

20 BY THE COURT: Yes, sir.

21 (Mr. Sermos and Mr. Clark confer.)

22 BY MR. SERMOS: I have no further questions,
23 Your Honor.

24 BY THE COURT: Any redirect?

25 BY MR. HARPER: None, Your Honor.

26 BY THE COURT: Sheriff, you may step down. You
27 will be allowed to remain in the courtroom as the
28 case agent. I realize you may be coming and going
29 some, but you will be allowed to remain in the

1 courtroom.

2 BY SHERIFF FERRELL: Thank you.

3 BY THE COURT: Ladies and gentlemen, we're going
4 to take about a ten- to fifteen-minute recess at this
5 point before we go further up to the lunch hour. So
6 court will be in recess. Keep in mind what I said
7 previously. You're going to get tired of hearing me
8 say this. No contact with anybody involved in the
9 case. We have a number of individuals here,
10 spectators. Many of them are families or connection
11 with one side or the other of this case. You're not
12 to have any contact with anybody. That's why you
13 have a juror button and everybody else is admonished
14 not to try to contact and even speak or say hello to
15 the jurors. It's a very strong rule of court
16 because, again, it can be totally misinterpreted. So
17 court will be in recess. This will be about a ten-
18 to fifteen-minute recess.

19 (After a brief recess, the following was made of record,
20 to-wit:)

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

23 BY MR. HARPER: I am sorry, Your Honor.

24 BY THE COURT: Who does the State call as your
25 next witness?

26 BY MR. HARPER: We would call Ms. Amanda
27 Goodwin.

28 BY THE COURT: Amanda Goodwin.

29 AMANDA GOODWIN,

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

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

4 BY THE COURT: Yes, sir.

5 DIRECT EXAMINATION

6 BY MR. HARPER:

7 Q. Would you state your name, please, ma'am.

8 A. Amanda Goodwin.

9 Q. And, Ms. Goodwin, where do you live?

10 A. I live at 22 Hibiscus Lane.

11 Q. That's here in Natchez?

12 A. About seven miles north of town.

13 Q. And at this time, Ms. Goodwin, where are you
14 employed?

15 A. I am a teacher at Cathedral Elementary School.

16 Q. And are you -- would you -- what type of
17 teacher?

18 A. I'm a special education teacher.

19 Q. What training have you had as far as your
20 educational background?

21 A. I have four years of college, bachelor's
22 degree.

23 Q. And that's in special education?

24 A. Special education. Yes.

25 Q. And how long have you worked at Cathedral?

26 A. This is my first year. I've only been there
27 since August.

28 Q. And prior to that, where do you work?

29 A. Teaching or --

1 Q. No. Your previous employment.

2 A. My previous employment was with Grace UMC child
3 development center. I was their child care director.

4 Q. You were their child care director?

5 A. Yes.

6 Q. How long did you serve in that capacity?

7 A. About a year.

8 Q. If I am correct, you actually were the one that
9 started that child care --

10 A. Right.

11 Q. -- development center there?

12 A. Yes.

13 Q. Correct me if I am wrong, Ms. Goodwin, you had
14 certain qualifications that you had to meet to serve in
15 that capacity; is that right?

16 A. Yes.

17 Q. Would you tell us a little bit about that,
18 please, ma'am.

19 A. In order to serve as a child care director, you
20 must have either a four-year degree, which I have, in
21 elementary education, special education, child
22 development, something along those lines. There are other
23 ways to qualify.

24 Q. That's the way that you qualified?

25 A. That's the way that I qualified. Yes.

26 Q. Do you have to be certified before you can serve
27 in that position?

28 A. Certified?

29 Q. Does the State have to approve you or give you

1 approval to serve in that capacity before --

2 A. Well, I had to go through background checks,
3 fingerprints, but my degree qualified me for that.

4 Q. Okay. And how long -- I may have asked you
5 this. How long did you serve as director of child care
6 development?

7 A. About a year.

8 Q. Okay. And I'll ask you that in that capacity
9 did you have occasion to become acquainted by an infant
10 child by the name of Chloe Madison Britt?

11 A. Yes.

12 Q. Would you tell us about that, please, ma'am.

13 A. Maddie was enrolled in our child care center on
14 October the 1st of 2001. She was approximately four weeks
15 old.

16 Q. You refer to her as Maddie. Is that what y'all
17 called her?

18 A. That's what we called her.

19 Q. And that is one and the same as Chloe Madison
20 Britt?

21 A. Yes, it is.

22 Q. And you say she was enrolled. Tell us how that
23 -- how do y'all -- do y'all have somebody that's enrolled
24 for five days a week or less than five days, or how is
25 that --

26 A. She was enrolled full time. She attended five
27 days a week.

28 Q. What hours did the children usually stay there
29 when --

1 A. We opened at seven a.m. and closed at six p.m.

2 Q. What was her -- was she there pretty much all
3 the time?

4 A. Yes. She'd usually come in around nine or ten
5 o'clock, and she was usually there until 5:30, 6:00.

6 Q. That was -- she was consistently there during
7 that period of time from October 1?

8 A. Yes. Maddie was hardly ever absent.

9 Q. I'll ask you, Ms. Goodwin, was she, in fact,
10 there on February the 21st? I think that was a Thursday
11 of this year?

12 A. Yes. She was. She was signed in at 10:30 a.m.
13 by her mother and signed out at 5:30 p.m. also by her
14 mother.

15 Q. By her mother?

16 A. Yes.

17 Q. Did you have occasion to see her on that
18 particular day?

19 A. I did. I was not working in the infant room
20 that day, but I was in and out of the room, and I did see
21 her. One occasion that sticks in my mind, I walked into
22 the room to talk to one of the care givers, and I heard a
23 cough, and I turned to my left, and Maddie was sitting in
24 the swing. She was wearing -- (pause)
25 (Witness begins crying.)

26 Q. Take your time.

27 A. She was wearing purple, and I commented to the
28 care giver about her cough.

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

1 BY THE COURT: Yes, sir.

2 BY MR. HARPER:

3 Q. Take your time.

4 (Mr. Harper hands the witness tissue.)

5 Q. So you recall that particular incident on that
6 day?

7 A. Right. She --

8 Q. Go ahead. I am sorry.

9 A. She -- like I said, she had a cough, but she
10 didn't appear to be in any pain or injured in any way.
11 She was --

12 Q. Had you had a chance to observe her? Do you
13 change diapers on some of the kids down there as the
14 director?

15 A. Oh, yes.

16 Q. Had you done that with her on occasion?

17 A. Yes. Several times.

18 Q. Did you ever notice anything, any injuries or
19 anything wrong with her?

20 BY MR. SERMOS: Objection, Your Honor. He's
21 leading the witness.

22 BY THE COURT: Let's don't lead the witness, Mr.
23 Harper.

24 BY MR. HARPER: I apologize, Your Honor.

25 BY THE COURT: Let's go ahead and proceed.

26 BY MR. HARPER:

27 Q. What, if anything, did you ever observe about
28 her appearance prior to February 21 of 2002?

29 A. Maddie was a very clean, well nourished child.

1 She never had any bruises or marks on her of any kind. My
2 staff was required to do a health check on the children
3 every morning, and they were to document any bruises, any
4 marks, and report immediately to me anything suspicious at
5 all.

6 Q. Did you ever have any reports of --

7 A. Nothing.

8 Q. -- involving her?

9 A. Never.

10 Q. Now, when you say they were required to, is that
11 by law or is that just a requirement that y'all had? What
12 was --

13 A. They were required to document it. I required
14 them to report it to me.

15 Q. And no reports had ever been made prior to
16 that -- was a report made on that date, February 21st,
17 about any --

18 A. No.

19 Q. -- injuries to her?

20 A. No. Never on Maddie.

21 Q. And you indicated that you do recall observing
22 her that one time and possibly other times. Did you
23 observe anything about her physical appearance that day
24 that would indicate to you what, if anything, had been
25 done to her prior to that?

26 A. Nothing.

27 Q. Okay. And I will ask you. Did you change her
28 diapers to your recollection on February the 21st?

29 A. I did not on February the 21st.

1 Q. Did members of your staff do that during the
2 course of that day?

3 A. Oh, yes. I'm sure they changed several times
4 that day.

5 Q. I believe she was about six months old; is that
6 right?

7 A. Yes.

8 Q. It would be pretty common practice with a six
9 month old --

10 BY MR. SERMOS: Objection, Your Honor. Leading
11 the witness.

12 BY MR. HARPER: I apologize, Your Honor. I'm
13 just trying --

14 BY THE COURT: That will be sustained. Rephrase
15 your question, Mr. Harper.

16 BY MR. HARPER:

17 Q. Would it have been a requirement that your staff
18 would change her diapers several times during the course
19 of a day when she was there?

20 A. Yes. And they were to document each time that
21 she was changed, and they were to tell on the
22 documentation for the parent if she was wet or had a bowel
23 movement.

24 Q. Okay.

25 A. We had --

26 Q. I'm sorry.

27 A. We had forms. Just Xerox forms, and the care
28 givers would circle the time and write out beside it a "W"
29 for wet or "B" for bowel movement. So she was changed

1 many times that day.

2 Q. Did they, in fact, do that on February 21st of
3 2002?

4 A. Yes.

5 Q. What, if anything, on that report on that date
6 was remarkable, if anything?

7 A. Nothing that I know of. That report was then
8 given to her mother when she was picked up.

9 Q. Okay. But nobody made any reports to you?

10 A. No, they did not.

11 Q. And I believe you said she was picked up that
12 day at approximately what time?

13 A. Five-thirty by her mother.

14 Q. Okay.

15 BY MR. HARPER: The Court will indulge me just
16 one moment, Your Honor.

17 BY THE COURT: Yes.

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

19 BY MR. HARPER: Please the Court, Your Honor.

20 May I approach the witness?

21 BY THE COURT: Certainly.

22 BY MR. HARPER:

23 Q. Ms. Goodwin, I am going to hand you an exhibit
24 that's been marked as State's Exhibit 2, and ask if you'll
25 look at that and tell me whether or not you can identify
26 who's in the picture?

27 A. That's Maddie.

28 BY MR. HARPER: That's all I have, Your Honor.

29 BY THE COURT: All right. Any

1 cross-examination?

2 CROSS-EXAMINATION

3 BY MR. SERMOS:

4 Q. Do you recall talking to Deputy Darion Smith?

5 A. I do.

6 Q. And that would have been back on the 22nd of
7 February of this year?

8 A. Correct.

9 Q. Okay. And do you remember telling him that you
10 had -- that no bruises or signs of abuse were ever
11 observed on Maddie?

12 A. Yes. That's correct.

13 Q. Chloe as we call her. Okay. And you also told
14 him that Rebecca Britt -- that's the mother, right?

15 A. Correct.

16 Q. That Rebecca Britt's mother, Lillian Watson,
17 paid the bills at the day care; is that correct?

18 A. That is correct.

19 Q. And are you a licensed social worker?

20 A. No.

21 Q. But you were at a state licensed day care
22 center, correct?

23 A. Correct.

24 Q. That means you all are mandated reporters for
25 any allegations of child abuse or any signs of child
26 abuse; is that correct?

27 A. That is correct.

28 Q. So you were or your staff would have a duty to
29 report regardless of your own internal rules; isn't that

1 right?

2 A. Definitely. Yes.

3 Q. And that would be according to the Mississippi
4 Code, right?

5 A. Right.

6 Q. From what you observed of Maddie, she was always
7 clean, wasn't she?

8 A. Yes.

9 Q. Well nourished?

10 A. Yes.

11 Q. You had never seen any signs of abuse on her?

12 A. No.

13 BY MR. SERMOS: No further questions, Your
14 Honor.

15 BY THE COURT: Any redirect?

16 BY MR. HARPER: We have no further questions of
17 this witness, Your Honor. We'd ask that she be
18 excused at this time, I think, from our subpoena. I
19 don't know whether the defense may have her under
20 subpoena, too.

21 BY THE COURT: Is there any reason to keep this
22 witness under subpoena?

23 BY MR. SERMOS: No, Your Honor. We would excuse
24 her also.

25 BY THE COURT: You may step down, and you will
26 be excused and released from your subpoena.

27 BY THE WITNESS: Thank you.

28 (Witness steps down.)

29 BY THE COURT: Who does the State call as your

1 next witness?

2 BY MR. HARPER: Ms. Katie Thompson, Your Honor.

3 BY THE COURT: Katie Thompson.

4 KATIE THOMPSON,

5 having been duly and legally sworn, answered

6 questions on her oath as follows, to-wit:

7 BY THE COURT: You may have a seat.

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

9 BY THE COURT: Yes, sir.

10 DIRECT EXAMINATION

11 BY MR. HARPER:

12 Q. Would you state your name, please, ma'am.

13 A. Katie Thompson.

14 Q. And, Ms. Thompson, where do you live?

15 A. 108 Otis Redding Drive.

16 Q. That's here in Natchez?

17 A. Natchez. Yes, sir.

18 Q. Are you employed?

19 A. Yes, I am.

20 Q. Where do you work, Ms. Thompson?

21 A. Grace United Methodist Church.

22 Q. In what capacity do you work there? What's your
23 job?

24 A. Caregiver.

25 Q. At the day care?

26 A. Yes, sir.

27 Q. And how long have you worked there, Ms.
28 Thompson?

29 A. About seventeen months.

1 Q. You were obviously working there back in
2 February of this year, 2002; were you not?

3 A. Yes.

4 Q. Have you had pretty much the same position? I
5 know you're a care giver. Do you have a particular
6 assignment there?

7 A. Well, mostly with the infants.

8 Q. With the infants?

9 A. Working with the infants.

10 Q. Is that what you've been doing pretty much since
11 you started?

12 A. Yes, sir.

13 Q. And back in February and prior to that, did you
14 have occasion to be involved in the caregiving for the
15 child, Chloe Madison Britt?

16 A. Yes.

17 Q. And I believe y'all called her Maddie --

18 A. Maddie. Yes.

19 Q. -- is that right? Okay. How long had she been
20 coming there to your recollection prior to February?

21 A. I think she started when she was four months.

22 Q. Okay. And I'll ask you, what, if any,
23 involvement you had with her on a daily basis as she was
24 coming there?

25 A. Yes. Every day.

26 Q. You saw her every day?

27 A. Every day, yes.

28 Q. What, if any, duties did you have as far as
29 your care giving for Maddie and the other children in her

1 group?

2 A. Well, we would feed them and change their
3 diapers and, you know, take care of them.

4 Q. How old was Maddie in February? If you know.

5 A. I think about five and a half months. I think.
6 Something like that.

7 Q. And I'll ask you this. How often at all do you
8 change the diaper of a five and a half-month-old child?

9 A. Well, we change them five to seven times a day,
10 you know.

11 Q. Every day.

12 A. Yes. Every day.

13 Q. On February the 21st, do you recall whether or
14 not you changed Maddie's diaper on that particular day?

15 A. Yes, I did.

16 Q. Do you remember how many times you changed her
17 diaper on that day?

18 A. Well, I am sure it was over five because we do
19 over five every day.

20 Q. Do you recall the last time you changed her
21 diaper on that particular day?

22 A. It was around five, a little after.

23 Q. Right before she went home?

24 A. Yes.

25 Q. And I will ask you, Ms. Thompson, at any time
26 during the day that you changed her diaper and especially
27 on that last time, did you ever observe anything about her
28 physical condition that you'd consider to be unusual?

29 A. No.

1 Q. Nothing wrong with her?

2 A. Well, she had a diaper rash, you know, but
3 that's about all, you know.

4 Q. I'll ask you, in changing her diaper, I assume
5 you had a chance to look at her bottom, her anus?

6 A. Yes.

7 Q. Okay. Did you observe anything unusual about
8 her anus on that day, February the 21st of 2002, prior to
9 her leaving?

10 A. No, I didn't.

11 Q. And the last time that you changed her diaper a
12 little after five, did you observe anything unusual about
13 her anus?

14 A. No, nothing but the diaper rash. That's it.

15 BY MR. HARPER: May I approach, Your Honor.

16 BY THE COURT: Yes, sir.

17 BY MR. HARPER:

18 Q. Ms. Thompson, I am going to show you a
19 photograph and ask if you can identify who this child is
20 in this photograph?

21 A. Yes. That's Maddie.

22 Q. Okay. Thank you, ma'am.

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

24 BY THE COURT: Cross-examination.

25 CROSS-EXAMINATION

26 BY MR. CLARK:

27 Q. Ms. Thompson, did you also observe other things
28 about Maddie on that particular day of February 21st
29 concerning the nose running?

1 A. Well, yes. She had a deep cough and rather --

2 Q. Her nose was running also?

3 A. Well, yes. A little.

4 Q. Okay.

5 A. Just a little.

6 Q. Was she a sickly child? Was she sick often?

7 A. No.

8 Q. Did her mother bring her medicine there when she
9 was sick?

10 A. We cannot give her medicine but --

11 Q. You can't give her medicine.

12 A. No.

13 Q. Even under a doctor's instruction?

14 A. No.

15 Q. Okay.

16 A. That's the health department's rule.

17 Q. She did have a diaper rash?

18 A. Yes.

19 Q. Which means, her bottom area was red or --

20 A. Red. Yes.

21 BY MR. CLARK: Thank you. That's all we have,
22 Your Honor.

23 BY THE COURT: Any redirect?

24 BY MR. HARPER: None, Your Honor.

25 BY THE COURT: All right. You may step down.
26 Would this witness be released from her subpoena?

27 BY MR. HARPER: Yes, Your Honor. We'd ask that
28 she'd be released. Again, I think the defense has
29 her under subpoena. I don't know.

1 BY MR. SERMOS: We release her also, Your Honor.

2 BY THE COURT: You'll be released from your
3 subpoena. You may go.

4 (witness steps down.)

5 BY THE COURT: Who does the State call as your
6 next witness?

7 BY MR. ROSENBLATT: Rebecca Britt.

8 BY THE COURT: Rebecca Britt.

9 REBECCA BRITT,
10 having been duly and legally sworn, answered
11 questions on her oath as follows, to-wit:

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

13 BY THE COURT: Yes, sir.

14 BY MR. CLARK: Could we approach the bench?

15 BY THE COURT: Sure.

16 (After a bench conference about the placement of the easel
17 in relation to the witness, the following was made of
18 record, to-wit:)

19 BY THE COURT: Let the record show that in the
20 event that the State shows any of the photographs or
21 the evidence, that the counsel for the defendant and
22 the defendant will be allowed to move to an area of
23 the courtroom so that they may be able to see that
24 also.

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

26 BY THE COURT: You may proceed, Mr. Rosenblatt.

27 DIRECT EXAMINATION

28 BY MR. ROSENBLATT:

29 Q. You're Rebecca Britt?

1 A. Yes, sir.

2 Q. How old are you, Rebecca?

3 A. Twenty-three.

4 Q. Where is your home?

5 A. I live in Baton Rouge right now.

6 Q. Where did you grow up?

7 A. In Ferriday.

8 Q. Went to school in Ferriday?

9 A. At Huntington. Yes, sir. At Huntington.

10 Q. What year did you graduate?

11 A. '97.

12 Q. What did you do after you graduated, Rebecca?

13 A. I went into the air force about six months
14 later.

15 Q. What was your intention on joining the air
16 force? What did you want to do?

17 A. Security forces, law enforcement.

18 Q. What happened to your air force career?

19 A. Three weeks in the basic training, I had broken
20 my foot, and in tech school I found out about it and they
21 sent me home.

22 Q. Your discharge was fully honorable in every way;
23 was it not?

24 A. Yes, sir.

25 Q. Rebecca, we're here talking about Chloe Madison
26 Britt. Who is Chloe Madison Britt?

27 A. She was my daughter.

28 Q. And when was she born?

29 A. August 29th, 2000.

1 Q. And how old was she when she died?

2 A. She was six months.

3 Q. Now, the three weeks before that date, February
4 21st, 2002, where were you living?

5 A. 33 Montgomery Road.

6 Q. And where is that?

7 A. In -- it's near Cloverdale.

8 Q. Ms. Britt, I am going to hold up what's been
9 marked as Exhibit Number 1. This is a city map of
10 Natchez. Would you point out where Montgomery Road, where
11 Cloverdale is.

12 (Witness points.)

13 Q. You're pointing to the green dot at the bottom
14 of the map?

15 A. Yes, sir.

16 Q. Who were you living with?

17 A. Jeffrey Havard.

18 Q. How long had you known Jeffrey Havard?

19 A. About two months.

20 Q. Was Jeffrey the father of your child?

21 A. No, he wasn't.

22 Q. Did you even know Jeffrey when Chloe was born?

23 A. No, sir.

24 Q. How did you meet Jeffrey?

25 A. We met through a mutual friend.

26 Q. Like at a party or date or what? How did

27 y'all --

28 A. No. We just -- he just kind of hooked us up.

29 You know, he knew we were both looking for a relationship.

1 Q. How long were you -- how long have you known
2 Jeffrey before you moved in with him?

3 A. About a month and a half.

4 Q. And you moved in with him down on Montgomery?

5 A. Yes, sir.

6 Q. Rebecca, I am going to show you what's been
7 marked as Exhibit Number 3 and ask if you can identify
8 that for me.

9 A. That's the trailer that we were living in.

10 Q. And whose trailer was that?

11 A. Jeff's grandfather's.

12 Q. Where did his grandfather live?

13 A. Kind of caddy-cornered across the street.

14 Q. Right close by?

15 A. Yes, sir.

16 Q. How long had anyone been in that mobile home
17 living there? Do you know?

18 A. I am not sure.

19 Q. Had they fixed it up just for Jeffrey?

20 A. Yes, sir.

21 Q. What occasion -- I mean, how did you come to
22 live down there at that mobile home?

23 A. At the current time, I was living with a friend
24 of mine, and it turned into a bad situation. So I got out
25 and moved in with Jeff.

26 Q. Had you ever lived with your mother?

27 A. Yes, sir.

28 Q. What period of time prior to all this had you
29 been with your mother?

- 1 A. I moved in with her from the four month of my
2 pregnancy until October after she was born.
- 3 Q. So you and your mother had a close relationship
4 during this delivery time?
- 5 A. Definitely. Yes, sir.
- 6 Q. And who is your mother?
- 7 A. Lillian Watson.
- 8 Q. Where does she work?
- 9 A. She works at Natchez Community Hospital.
- 10 Q. Doing what?
- 11 A. She's an RN in ICU.
- 12 Q. In ICU?
- 13 A. Yes, sir.
- 14 Q. Does your mother close -- was your mother close
15 to Chloe as you call her?
- 16 A. Oh, yeah. Yes, sir.
- 17 Q. What were some evidences of that?
- 18 A. She loved her. She kept her for me sometimes,
19 and she was always getting her and my niece together. My
20 brother's daughter.
- 21 Q. Did your mother help with the day care at all?
- 22 A. Yes, sir.
- 23 Q. In what way?
- 24 A. She paid for it.
- 25 Q. That was your mother's doing?
- 26 A. Yes, sir.
- 27 Q. And where was Chloe in day care?
- 28 A. She was in the nursery.
- 29 Q. At where?

1 A. At Grace United Methodist.

2 Q. When you moved in with Jeffrey on Montgomery
3 Road, were either of y'all working?

4 A. He was working before we moved in, and he had
5 quit his job about a week before.

6 Q. Were you working?

7 A. No, sir.

8 Q. So neither one of y'all was working when you
9 moved in down there?

10 A. No, sir.

11 Q. Rebecca, I am going to ask you to step down
12 here, if I may, and look at this chart with me if you
13 would.

14 BY MR. ROSENBLATT: And, Your Honor, would the
15 record reflect that I've flipped over Exhibit Number
16 1 to show a floor plan. And if you'd step to the
17 side so the jury can see.

18 BY MR. ROSENBLATT:

19 Q. Would you identify this floor plan for me,
20 please.

21 A. This is the trailer.

22 Q. You have to speak up so they can hear you in
23 the back.

24 A. This is the trailer that we were living in.
25 This is our bed, and right here was Maddie's crib. The
26 bathroom and the living room, the kitchen, the washer and
27 dryer, and another bathroom and bedroom over there.

28 Q. What were y'all doing with this end of the
29 trailer?

1 A. Nothing. It was just empty, storage.

2 Q. So the three of y'all lived basically at this
3 end of the trailer?

4 A. Yes, sir.

5 Q. And when you say master bedroom, who stayed in
6 there?

7 A. Me and Jeffrey.

8 Q. And y'all shared the same bed?

9 A. Yes, sir.

10 Q. And bedroom number two it shows on the chart,
11 whose room is that?

12 A. That was Maddie's room.

13 Q. What else was in there with her?

14 A. Her crib and dresser and clothes and toys.

15 Q. Who had furnished all those things?

16 A. My mother.

17 Q. Jeffrey didn't furnish?

18 A. No.

19 Q. What had you brought to the trailer with you
20 when you moved in?

21 A. My things. My clothes, Maddie's crib, and
22 dresser and clothes and toys.

23 Q. The bed linens, for example, whose were they?

24 A. Those were my sheets.

25 Q. Your bed linens?

26 A. Yes, sir.

27 Q. And the bathroom at the end of the mobile home
28 on the right, who used that bathroom?

29 A. Me and Jeffrey and Maddie.

1 Q. I'm sorry. Would you repeat what you said.

2 BY THE COURT: Be sure to speak up so the court
3 reporter can take this down.

4 A. Me and Maddie would take baths, and Jeff would
5 use the bath also.

6 Q. I'll let you return to the witness stand now.

7 (Witness returns to the witness stand.)

8 Q. What was the relationship between Jeffrey and
9 your baby?

10 A. It was -- it was, I guess, your typical
11 relationship. He didn't spend much time with her. I
12 mean, other than her being at the house after day care, he
13 didn't really go out of his way to do things with her or
14 things like that but --

15 Q. To your knowledge, did he ever bath the baby?

16 A. He never did except for the night in question.

17 He said he had given her a bath.

18 Q. He never bathed her before that, did he?

19 A. No, sir.

20 Q. Did he ever change the baby?

21 A. No, sir.

22 Q. Did he ever have any extensive interaction,
23 playing with her, that sort of thing, for that length of
24 time?

25 A. No, sir.

26 BY MR. ROSENBLATT: Now, the record would
27 reflect I'm flipping my Exhibit 1 back over to show
28 the map of Natchez.

29 BY MR. ROSENBLATT:

1 Q. Ms. Rebecca, if you'd come down here and let me
2 show you the map again and let you trace for us the events
3 of the date of the 21st. You have to speak up so Mrs.
4 Melanie can hear you and all the jurors can hear you. On
5 the 21st, what time, if you recall, did you pick Chloe up
6 from day care?

7 A. I picked her up at 5:30.

8 Q. Was that typical for you?

9 A. Yes, sir.

10 Q. And what did you do after that?

11 A. I went back home.

12 Q. And home, would you point it out.

13 (Witness points.)

14 Q. Is the green dot down in Cloverdale.

15 A. Yes, sir.

16 Q. And what happened at home?

17 A. We just stayed there for a while and played with
18 her like I usually do after day care. I fed her about
19 6:30, 7:00.

20 Q. Do you remember what you fed her?

21 A. Bananas. She loved bananas.

22 Q. Okay. Did she take anything else?

23 A. A bottle.

24 Q. I am sorry?

25 A. A bottle.

26 Q. Okay. What about any medications?

27 A. She had medicine that I put in her bottle.

28 Q. And what was that --

29 A. For ear infection and a cough.

1 Q. Was that a prescription medicine?

2 A. Yes, sir.

3 Q. Who had prescribed that for her?

4 A. Dr. Dar.

5 Q. And by Dr. Dar, who are you referring to?

6 A. That was her pediatrician.

7 Q. Do you know her whole name?

8 A. Ayesha Dar.

9 Q. Where does she work?

10 A. She worked at the Family Medical Center.

11 Q. Where is that?

12 A. Right across from Natchez Community.

13 Q. Was that Chloe's regular pediatrician?

14 A. Yes, sir.

15 Q. Okay. So you fed Chloe, gave her a bottle and
16 her medicine, and then what?

17 A. About 7:30 or almost 8:00, Jeff had asked me to
18 go to the grocery store, and I drove from the house to --
19 down Lower Woodville to the red light and went to the
20 grocery store.

21 Q. What's the name of the grocery store if you
22 recall?

23 A. Natchez Market.

24 Q. Okay. Jeff gave you the money.

25 A. Yes, sir.

26 Q. Now, was that typical? I mean, did he pay for
27 the groceries, or did you contribute anything to the
28 groceries?

29 A. We usually both contributed.

1 Q. On this occasion, he gave you how much?

2 A. Twenty dollars, I believe.

3 Q. Okay. And sent you to the grocery.

4 A. Yes, sir.

5 Q. Did he make any specific requests of you?

6 A. Not for the grocery store. No.

7 Q. What did he say?

8 A. He just said go get some supper.

9 Q. Okay. And you did?

10 A. Yes, sir.

11 Q. Do you remember what you got?

12 A. I believe I got some drinks and some things to
13 make burritos with.

14 Q. Okay.

15 A. And after that I went home.

16 Q. Same route?

17 A. Yes, sir.

18 Q. Okay. And what did you find when you got home?

19 A. I checked on Maddie, and she was sleeping. And
20 Jeff had taken the sheets off the bed and told me he was
21 washing them and that he had given her a bath and put her
22 to bed. And when I checked on her, I went in and she made
23 a little noise in her throat.

24 Q. Did it kind of surprise you that Jeffrey --

25 BY MR. SERMOS: Objection, Your Honor. Leading
26 question.

27 BY THE COURT: I'll sustain as to that

28 question.

29 BY MR. ROSENBLATT:

1 Q. What was your reaction to Jeff giving the baby a
2 bath?

3 A. At first, you know, I thought it was nice, you
4 know. Trying -- you know -- he was trying to help me out,
5 and then it was surprising because he hadn't done anything
6 like that before but -- (pause)

7 Q. Now, tell me again about checking on Chloe.

8 A. When I went in and checked on her, she made a
9 little noise in her throat.

10 Q. Did you turn the -- I am sorry. What was the
11 lighting condition like in the room when you went and
12 checked on her?

13 A. The light was off. I had a lamp in the corner
14 that was dim, and I didn't turn the lights on when I went
15 in there. I checked on her. After she made the noise, I
16 picked her up and made sure that there wasn't nothing in
17 her throat, and she seemed fine. She opened her eyes a
18 little bit and kind of went back to sleep, and then I put
19 her back into her bed, and I walked out and sat down and
20 Jeff insisted on me going to the video store.

21 Q. You had just gotten back from the grocery; is
22 that correct?

23 A. Yes, sir.

24 Q. And what does he tell you to do?

25 A. Go to the video store.

26 Q. And do what?

27 A. Pick up some videos.

28 Q. Is that the only means of entertainment y'all
29 had?

1 A. No, sir. We had just bought a satellite a few
2 days before.

3 Q. Can you get movies on your satellite?

4 A. Pay per view. Yes, sir.

5 Q. But he wanted you to do what?

6 A. Go to the video store.

7 Q. And so what did you do?

8 A. I went to the video store.

9 Q. Now, trace your route for us from the home in
10 Cloverdale up to the video store.

11 A. I went from the house down Highland and went to
12 the video down Sergeant Prentiss.

13 Q. And do you remember how long you stayed there?

14 A. Not long at all. Maybe ten or fifteen minutes
15 at the video store.

16 Q. Do you remember what you got? I mean, like how
17 many? One movie, three movies.

18 A. Three, I think. Three or four.

19 Q. Okay. And then what did you do?

20 A. I went back home.

21 Q. And what happened when you got home?

22 A. I got home and Jeff was in the bathroom.

23 Q. Let me just stop you. You can have a seat.

24 (Witness returns to witness stand.)

25 BY MR. ROSENBLATT:

26 Q. Rebecca, when you got back home --

27 A. I got back home.

28 Q. What happened?

29 A. And Jeff was in the bathroom, and I went to

1 check on Maddie.

2 Q. When you say he was in the bathroom, was the
3 door open or closed?

4 A. It was closed.

5 Q. So he didn't see you when you got home.

6 A. No, sir. When I walked in, I called for him and
7 he said that he was in the bathroom.

8 Q. Okay. So what did you do then?

9 A. I went and checked on Maddie.

10 Q. What did you find?

11 A. She was blue. She wasn't breathing.

12 Q. I am sorry. I didn't hear you. She was what?

13 A. She was blue and not breathing.

14 Q. Okay.

15 A. And I picked her up and called for Jeff. I took
16 her to the living room and did CPR. I tried to
17 resuscitate her.

18 Q. Did you know what had happened to Chloe?

19 A. No, sir.

20 Q. Did Jeff tell you what had happened to Chloe?

21 A. No, sir.

22 Q. Did you ask him what happened to Chloe?

23 A. I didn't ask about what had happened. I was
24 just trying to get her to breath.

25 Q. Okay.

26 A. And I couldn't. I couldn't resuscitate her.

27 Q. You couldn't get her to breath. So what did you
28 do?

29 A. At first I told him to go to his grandparents

1 and call for the ambulance, and he talked -- he said let's
2 go to the hospital. And so I picked her up and took her
3 outside and was going to get in the car, but he was still
4 inside putting on clothes and trying to get shoes and
5 trying to put on his shirt. And he finally came outside,
6 and we got the car, and we started driving to the
7 hospital.

8 Q. Okay.

9 A. And --

10 Q. And you mentioned when you went out, you would
11 go down Highland Road --

12 A. Right.

13 Q. Is that how Jeffrey went?

14 A. When we got to the stop sign to turn right at
15 Highland, he kept going straight.

16 Q. Toward Lower Woodville Road?

17 A. Right. I asked him what he was doing because
18 there were no hospitals that way, and he turned around and
19 started going towards the hospitals.

20 Q. Which hospital did you want to go to?

21 A. I wanted to go to Community.

22 Q. Of course, the hospitals are how far apart
23 anyway?

24 A. They're not very far apart.

25 Q. Why did you want to go to Community?

26 A. Because that's where my mother worked.

27 Q. Do they have an emergency room there?

28 A. Yes, sir.

29 Q. Are you acquainted with some of the personnel

1 there?

2 A. All of them.

3 Q. What happened when you got to Community
4 Hospital?

5 A. When I got there, I walked in and I told the
6 first person that I saw that my baby wasn't breathing, and
7 she took her from me and took her to the back.

8 Q. Do you know who that person was?

9 A. Shelley Smith.

10 Q. She works there?

11 A. Yes, sir.

12 Q. Did you ever see Chloe again, Rebecca?

13 A. No, sir.

14 Q. I am sorry?

15 A. No, sir.

16 Q. You never saw her again?

17 A. Not until the funeral.

18 Q. Did anyone ever come out and talk to you?

19 A. Yes, sir.

20 Q. Who came out and talked to you?

21 A. Dr. Dar came out for a minute. Pat Murphy had
22 come out to let me call my mother.

23 Q. Who is Pat Murphy?

24 A. As far as I know, she was the director of the
25 ER at the time.

26 Q. Did Shelley Smith ever come back out and ask you
27 what had happened to the baby?

28 A. She came out and asked me who had been with her
29 before we brought her to the hospital.

1 Q. Were you able to provide any information about
2 what sort of treatment Chloe needed? Were you able to
3 give them any help?

4 A. I told her that -- I mean, the only thing I
5 could think of was her father had asthma, and that was --
6 that was all I could think of.

7 Q. You thought maybe it was something natural?

8 A. Uh-hum.

9 Q. At what point did you realize it wasn't
10 something natural?

11 A. I had an idea when I was trying to resuscitate
12 her. I stuck my finger in her throat to see if there was
13 anything in there, and her throat was closed up. I
14 couldn't even get my finger in there. And then the
15 sheriff officers showed up at the hospital, and that's
16 when I knew.

17 Q. Knew what?

18 A. That Jeff had done something.

19 Q. How do you know someone else hadn't done
20 something?

21 A. He was the only one at the house.

22 Q. Did Jeff ever tell you something had happened to
23 Chloe?

24 A. He had just told me that she had spit up a
25 little bit on the sheets, and that's why he was washing
26 them and that was it.

27 Q. He never told you he had whopped the baby's head
28 or anything like that?

29 A. No, sir.

1 Q. He never told you about any injury that Chloe
2 had gotten?

3 A. No, sir.

4 Q. Did you have occasion to talk with the deputies?

5 A. I didn't talk with the deputies. No, sir.

6 Until after I left the hospital.

7 Q. All right. How did you leave the hospital?

8 A. The deputy took me to the sheriff's department.

9 Q. What did you do at the sheriff's department?

10 A. I answered questions and filled out statements.

11 Q. How many times did you do that? Do you recall?

12 A. A few. Two or three times that night, and I
13 couldn't finish. I had to come back the next day.

14 Q. Did you ever tell them anything other than what
15 you've told these ladies and gentlemen here today?

16 A. No, sir.

17 Q. And is that what happened that evening?

18 A. Yes, sir.

19 Q. When you got back from Blockbuster, where was
20 Jeffrey?

21 A. In the bathroom.

22 Q. With the door closed.

23 A. Yes, sir.

24 Q. And where was Chloe?

25 A. In her bed.

26 Q. And what was Chloe doing?

27 A. Nothing.

28 Q. This six-month-old child that we've been talking
29 about that lived with you and Jeff at that mobile home,

1 I'm going to show you this picture and ask you to identify
2 it?

3 A. That's my daughter.

4 Q. Your daughter who?

5 A. Maddie.

6 BY MR. ROSENBLATT: Your Honor, I'd ask
7 permission to publish this exhibit to the jury at
8 this time?

9 BY THE COURT: The Court will allow you to
10 publish Exhibit 2 to the jury.

11 (Mr. Rosenblatt passes Exhibit 2 to the jury.)

12 BY MR. ROSENBLATT: I tender the witness, Your
13 Honor.

14 BY THE COURT: Ladies and gentlemen, let me tell
15 you this. Whenever matters are published or given
16 to you to look at, whether it be photographs or other
17 things, we'll go ahead and proceed, but you just take
18 your time and look at it and pass it down, and when
19 you get through with it, you can just set it up on
20 the edge there, but don't let it interfere with you
21 hearing what the witness has to say. So just take
22 your time. Mr. Sermos, you may proceed.

23 BY MR. SERMOS: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MR. SERMOS:

26 Q. You stated that a lot of those furnishings you
27 talked about that were in that mobile home that they
28 belonged to you personally; is that right?

29 A. And Maddie's room.

1 Q. Right. In Maddie's room. Do you know who
2 actually owned that mobile home?

3 A. Jeff's grandfather.

4 Q. And that would be Mr. William Havard?

5 A. Yes, sir.

6 Q. So he -- basically you and Jeff were staying
7 there rent free; is that right?

8 A. Yes, sir.

9 Q. And were all the bills paid in that mobile home
10 like the electric and power bill? Was that paid by Mr.
11 Havard, William Havard?

12 A. I am not real sure.

13 Q. When you got back that afternoon at about
14 5:30 when you picked the baby up, what did you do for that
15 two hours before you went to the grocery store?

16 A. I played with Maddie and sat there with her and
17 fed her.

18 Q. Okay. Did you go out for any ride in the car or
19 anything?

20 A. No, sir.

21 Q. And while you were there, was Jeff asleep or was
22 he up also?

23 A. He was up.

24 Q. And then you stated -- you were describing what
25 we know when you got back from the video store that you
26 found the baby wasn't breathing and her throat was very
27 tight, you attempted to or gave her CPR inside the mobile
28 home; is that right?

29 A. Yes, sir.

1 Q. Was that on the living room floor that you did
2 that?

3 A. Yes, sir.

4 Q. Would you please describe basically as you can
5 what kind of -- how did you try to deliver CPR to her?

6 A. CPR. I gave five breaths and four pushes and
7 checked her throat.

8 Q. So you had her laying on the floor?

9 A. Yes, sir.

10 Q. On her back?

11 A. Yes, sir.

12 Q. And then so you tried to breath into her mouth
13 five times and tried to push on her chest; is that right?

14 A. Yes, sir.

15 Q. And that didn't work?

16 A. No, sir.

17 Q. And then shortly after that, you all got into
18 the car to drive to the hospital, right?

19 A. Yes, sir.

20 Q. And who was driving the car?

21 A. Jeff was.

22 Q. And you were sitting in the right passenger's
23 seat; is that right?

24 A. Yes, sir.

25 Q. And you were holding the baby?

26 A. Yes, sir.

27 Q. Did you try to do any CPR while you were in the
28 car on the way to the hospital?

29 A. I tried but it was hard to do.

1 Q. Okay. And that would have been breathing again
2 into the mouth --

3 A. Right.

4 Q. And mashing on the baby's chest. Do you
5 remember talking to a Deputy Ray Brown. I mean, you
6 probably talked to several deputies that night, but do you
7 remember talking to him in particular? Excuse me.

8 BY MR. SERMOS: May I approach the witness, Your
9 Honor?

10 BY THE COURT: Certainly. Certainly.

11 (Mr. Sermos hands the witness a document.)

12 BY MR. SERMOS:

13 Q. First, is that your signature at the bottom?

14 A. Yes, sir.

15 Q. Did you write that statement?

16 A. Yes, sir.

17 Q. Okay.

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

19 BY THE COURT: Yes, sir.

20 (Mr. Sermos and Mr. Clark and the defendant confer.)

21 BY MR. SERMOS:

22 Q. When you went to the sheriff's office, do you
23 remembering talking to the Sheriff Ferrell?

24 A. Yes, sir.

25 Q. How did he treat you?

26 A. He treated me like he might have thought that --
27 you know -- he wanted to make sure I didn't have anything
28 to do with it.

29 Q. In other words, was he very formal with you?

1 A. He was very straight forward.

2 Q. Okay. And do you remember talking to the
3 district attorney, Mr. Ronnie Harper?

4 A. Yes, sir.

5 Q. And that was also at the sheriff's office,
6 right?

7 A. Yes, sir.

8 Q. Had you -- when was the last time that you had
9 been working?

10 A. I worked last in Baton Rouge right before I
11 found out that I was pregnant.

12 Q. And so is it fair to say that when you met Jeff
13 and then you moved in there into the mobile home with him,
14 you really needed a place to live; is that right?

15 A. Yes, sir.

16 Q. And while you were there for that three weeks,
17 you were basically there three weeks before this incident
18 happened; is that right?

19 A. Yes, sir.

20 Q. Is it fair to say that you always felt safe and
21 secure there?

22 A. Yes, sir.

23 BY MR. SERMOS: Nothing further, Your Honor.

24 BY THE COURT: Any redirect?

25 BY MR. ROSENBLATT: Your Honor, we have nothing
26 further of Ms. Britt.

27 BY THE COURT: You may step down. I assume
28 she'll remain under the subpoena?

29 BY MR. ROSENBLATT: I would assume so.

1 BY MR. SERMOS: Yes, Your Honor. We would ask
2 that she be held on standby status, if you will.

3 BY THE COURT: You will still be under subpoena
4 but you may leave the courtroom.

5 (Witness steps down.)

6 BY THE COURT: Who does the State call as your
7 next witness?

8 BY MR. HARPER: Call Ms. Shelley Smith, Your
9 Honor.

10 BY THE COURT: Shelley Smith.

11 SHELLEY SMITH,
12 having been duly and legally sworn, answered
13 questions on her oath as follows, to-wit:

14 BY THE COURT: Excuse me. Mr. Harper. You may
15 proceed.

16 BY MR. HARPER: May I proceed?

17 BY THE COURT: Yes, sir.

18 DIRECT EXAMINATION

19 BY MR. HARPER:

20 Q. Would you state your name, please, ma'am.

21 A. Shelley Ann Smith.

22 Q. And, Ms. Smith, where do you live?

23 A. Tara Apartments.

24 Q. That's here in Natchez?

25 A. Yes, sir.

26 Q. And where are you employed, Ms. Smith?

27 A. Natchez Community Hospital.

28 Q. And in what capacity are you employed there?

29 A. I am a phlebotomist in the laboratory.

1 Q. How long have you worked at Community Hospital?

2 A. A little over a year.

3 Q. And I'd like to direct your attention, Ms. Smith

4 -- well, let me ask you this before that. What

5 training and education do you have that qualifies you to
6 be a phlebotomist?

7 A. Well, I'm a nationally certified phlebotomist,
8 and I have an associate's in pre-nursing.

9 Q. And I'll ask you if you were working in that
10 capacity at Community Hospital in February, specifically
11 on February the 21st of this year, 2002?

12 A. Yes, sir.

13 Q. And were you, in fact, working on that evening?

14 A. Yes, sir.

15 Q. Would you tell us whether or not you had
16 occasion to be involved in the treatment of the minor
17 child, Chloe Madison Britt, on that particular evening?

18 A. Yes, sir.

19 Q. Why don't you just tell us, if you would, how
20 you came to be involved in that treatment.

21 A. Another lab tech and I were going to the
22 emergency room to return a lab report when Rebecca came
23 running into the emergency room with her child and stated
24 to me that her child was not breathing.

25 Q. Let me stop you just a second. You said
26 Rebecca. Who are you referring to?

27 A. The child's mother, Rebecca Britt.

28 Q. Did you know her prior to that?

29 A. No, sir.

1 Q. You subsequently learned who it was?

2 A. Yes, sir.

3 Q. So the lady came in with the baby?

4 A. Yes, sir.

5 Q. After she told you that, what did you say?

6 A. She gave me the baby, and I said okay. I
7 looked at her real quick and noticed that she wasn't
8 breathing. That she was blue. Had a small bruise on her
9 lip. I turned to the other worker I was working with and
10 told her to open the ER doors because there's a code to
11 get into the ER and gave a quick rescue breath, ran into
12 the emergency room, informed our staff that we had a code
13 300, and Dr. Patterson and I and an EMT went into the
14 trauma room. I gave a quick breath. The EMT said, "I
15 don't think it's getting in." Air properly getting in.
16 So Dr. Patterson took over and told me to go find out the
17 child's name, how old the child was. So I left and went
18 and talked with Ms. Britt and the defendant.

19 Q. And when the lady came in with the baby, did
20 anyone come in with her at that time?

21 A. No, sir.

22 Q. When you went back out to talk with her, who, if
23 anyone, was with her?

24 A. The defendant was sitting in the triage room.

25 Q. Did you know him prior to that date?

26 A. No.

27 Q. Did you see the person that was with her present
28 in the courtroom today?

29 A. Yes, sir.

1 Q. Would you point him out and describe what he's
2 wearing for me, please, ma'am.

3 A. He's got on -- looks like a navy suit.

4 BY MR. HARPER: Your Honor, we would ask that
5 the record reflect that the witness has identified
6 the defendant, Jeffrey Havard.

7 BY THE COURT: Let the record so reflect.

8 BY MR. HARPER:

9 Q. All right. So you went back out to talk to Ms.
10 Britt and saw the two of them?

11 A. Yes, sir.

12 Q. Tell us what happened when you got out there.

13 A. I asked her -- I asked both of them actually
14 how old the child was and what was her name, and they told
15 me that her name was Chloe and that she was around six
16 months old, and this was really hectic because I was
17 running back and forth between the emergency room
18 procedures and talk with them. I got that information.
19 Went back out, ran back to the emergency room to the
20 trauma room, told the doctors the baby's name and how old
21 she was, and they then instructed me to go back and ask --
22 find out what happened, what could have caused this, was
23 she taking anything. So I went back to the triage room
24 where Ms. Britt and the defendant were and asked them, and
25 Becky said she had went to the store and came back to
26 check on Chloe, and she wasn't breathing, and she came
27 straight to the emergency room. And the defendant then
28 said that -- well, while Becky was gone they had given her
29 -- he had given her medicine and while she was gone that

1 she had spit up and that he had changed her and put her to
2 bed.

3 Q. Okay. Did he make -- what, if anything, did he
4 say to you about any injuries the child may have received
5 while she was gone to the store?

6 A. He did not say. The only thing he said was he
7 gave her her ear medicine in a smushed up banana, and that
8 she had spit up. So he cleaned her up and changed her and
9 put her to bed.

10 Q. What, if anything else, did either one of them
11 say at that point in time?

12 A. He asked for a cigarette.

13 Q. He asked you for a cigarette?

14 A. Uh-hum.

15 Q. In the hospital?

16 A. Yes, sir.

17 Q. And what, if anything, did you do at that point?

18 A. I gave him a cigarette, and then I went back
19 and told the emergency room physician that she had been
20 taking some medicine for an ear infection. They gave it
21 to her in a banana, and that's all at that point. That's
22 all we knew at that point.

23 Q. What, if anything, did you do at that point?

24 A. I stood by until they were ready to draw blood,
25 and I drew the chemistry panel and CBC and took it --

26 Q. What did you do after you drew those?

27 A. I took it back to the lab and waited for the
28 results and took them back. I had to get all the
29 information for our computer system. So I was back and

1 Forth between the emergency room desk and the lab getting
2 information for our computers.

3 Q. You were in and out of the room, but you
4 weren't in there extended periods of time to observe
5 treatment or anything like that?

6 A. To an extent, yes. I was there when she let
7 out. I was in the room when the baby bled out. An
8 aneurysm, so to say, when you bleed, it just fills your
9 face and it just looked like a vacuum -- they had turned
10 an air hose on and just blew her face up is what it looked
11 like.

12 Q. Just tell us if you can recall what, if anything
13 else, other than what you've already told us about what
14 you observed about the baby after she had gotten into the
15 hospital.

16 A. When we got her into the trauma room, when we
17 opened her mouth, we did -- when you're trained in CPR,
18 you always do a tongue sweep to make sure there's nothing
19 blocking the airway because we didn't know if she was
20 choking or what. When we opened her mouth to do a tongue
21 sweep, we noticed bruising along the top of the gum line
22 here and bad on the -- right here on your gum --

23 Q. Right.

24 A. -- with that little tendon that connects your
25 lip to the top of the jaw.

26 Q. I believe they call that your frenulum. Would
27 that be right?

28 A. I think so.

29 Q. Okay.

1 A. I think so. But I noticed that was really
2 bruised, and it was kind of oozing blood. It was real
3 red. I noticed bruising around her lips and a little
4 bruising on her forehead. Somewhere on her forehead.

5 Q. Did you observe anything about the child in your
6 observations of her?

7 A. Not at that point. That was -- at that point
8 is when I left to go find out the age, how old she was,
9 date of birth or statistical information for our systems.

10 Q. At any point after that, did you have an
11 opportunity to observe the child and notice any other --
12 anything else?

13 A. When we -- when I went back and I was talking
14 with Dr. Patterson, I noticed that she was -- you know --
15 and still blue and her stats were going down again right
16 before she bled out, but other than that, I didn't notice
17 anything else. I wasn't there for a lot of it.

18 Q. Did you have occasion to talk with the defendant
19 any more after that one conversation that you described
20 for us?

21 A. It was kind of back and forth. It was just --
22 he just said that she had went to the store, and he
23 changed her. She spit up and he changed her and put her
24 to bed while she was gone. While the mother was gone, and
25 he didn't understand what was going on.

26 Q. You went out there more than one time?

27 A. Yes, sir. It was bits and pieces at a time we
28 were getting -- running back into --

29 Q. Did he ever ask you for any more cigarettes?

1 A. No. About that time is when the police
2 officers showed up.

3 Q. Okay.

4 BY MR. HARPER: The Court indulge me just a
5 moment, Your Honor. We'll tender this witness at
6 this time.

7 BY THE COURT: Cross-examination.

8 CROSS-EXAMINATION

9 BY MR. SERMOS:

10 Q. Yes. A phlebotomist. In common parlance,
11 what's the main job a phlebotomist does?

12 A. To draw blood.

13 Q. And to be a phlebotomist, do you need to have a
14 LPN or RN or anything like that?

15 A. No. A phlebotomist is its own training in
16 itself.

17 Q. You said that Mr. Havard asked for a cigarette?

18 A. Yes, sir.

19 Q. It's certainly not uncommon for somebody in an
20 emergency room area to ask for a cigarette or want to
21 smoke one, is it?

22 A. No, sir. It's not.

23 Q. Or to be nervous either, is it?

24 A. No, sir. It's not.

25 BY MR. SERMOS: No further questions, Your
26 Honor.

27 BY THE COURT: Any redirect?

28 BY MR. HARPER: None, Your Honor. All right.

29 You may step down. Will this witness be excused by

1 both sides?

2 BY MR. SERMOS: Yes, Your Honor.

3 BY THE COURT: You'll be released under your
4 subpoena. You may go.

5 BY MR. HARPER: Yes, sir. We would excuse her
6 too, Your Honor.

7 (Witness steps down.)

8 BY THE COURT: Who does the State call as your
9 next witness?

10 BY MR. HARPER: We would call Ms. Angel Godbold,
11 Your Honor.

12 BY THE COURT: Angel Godbold.

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

14 BY THE COURT: Yes, sir.

15 DIRECT EXAMINATION

16 BY MR. HARPER:

17 Q. Would you state your name, please, ma'am.

18 A. Angela Godbold.

19 Q. And, Ms. Godbold, where do you live?

20 A. I live in the Mark Apartments on Lower Woodville
21 Road.

22 Q. And what is your employment, Ms. Godbold?

23 A. I'm a registered nurse in the emergency
24 department at Natchez Community Hospital and at Natchez
25 Regional Medical Center.

26 Q. How long have you been working as an emergency
27 room nurse?

28 A. Since 1994.

29 Q. And how long have you been working at Community

1 Hospital as a emergency --

2 A. Since 1991.

3 Q. And so since '94 at Community you've been
4 working in the ER?

5 A. Well, actually, since 1991. I was an emergency
6 room technician while I was in nursing school, and when I
7 completed nursing school, I started nursing in the ER in
8 '94.

9 Q. Okay. I'd like to direct your attention to
10 February of this year, 2002, specifically the evening of
11 Thursday, February the 21st, and ask if you had occasion
12 to be working in the ER at Community on that particular
13 date?

14 A. I did.

15 Q. Okay. I'll ask if you had occasion to be
16 involved in the treatment of an infant child by the name
17 of Chloe Madison Britt?

18 A. Yes, sir. I did.

19 Q. Would you tell us how you came to be involved in
20 that, please, ma'am. In that treatment.

21 A. Well, actually, I was in the room with another
22 patient. We were very busy in the emergency room, and we
23 had just gotten an ambulance patient, and I was in the ER
24 room treatment one, and I heard someone yelling as they
25 were coming through the door. And as I came out the door,
26 I saw one of the lab technicians, Shelley Smith, carrying
27 a limp infant saying, "Call a code." About that time,
28 Patricia Murphy who is another RN that works with me
29 called a code, and they went on down to the trauma room

1 and --

2 Q. Would you tell us what calling a code means?

3 A. Calling a code is a cardiorespiratory arrest.

4 You have a code team which is a predesignated group of
5 people who respond, usually people who are certified in
6 advanced cardiac life support.

7 Q. And you said that Ms. Murphy made the -- called
8 the code?

9 A. Yes, sir.

10 Q. And how do you do that?

11 A. You access an intercom system that goes
12 throughout the hospital, and the designated people come to
13 scene.

14 Q. Respond?

15 A. Yes, sir.

16 Q. And are you, in fact, one of the people that
17 would be responding to a code?

18 A. Yes, sir. Actually I think that night, I was
19 the charge nurse in the ER.

20 Q. Okay. So what did you do after the code was
21 being called?

22 A. Well, I noticed it was an infant. So I secured
23 what we call a pediatric Broslow Hinkle resuscitation
24 system, which is a system we use specifically for
25 pediatric patients that helps the code process.

26 Q. Okay. And what did you do once you had
27 retrieved that?

28 A. I went down to the code room where they were
29 already coding the infant.

1 Q. Who, if anyone, if you can recall was there when
2 you got in there?

3 A. If I recall correctly, respiratory was already
4 there. Dr. Patterson was there.

5 Q. She's the ER doctor that was on call that
6 night?

7 A. Yes, sir. Patricia Murphy was there. She's
8 another RN. There was another RN that was down there by
9 the name of Jennifer Cupit Wise who has since moved to
10 Florida. She is no longer employed at the hospital. And
11 then myself and there were a few other people that I can't
12 really recall specifics at this time.

13 Q. A lot of running in and out and that type of
14 thing?

15 A. Yes, sir.

16 Q. Tell us what happened once you got down there.
17 What did you do at that point?

18 A. Well, actually, you open up this resuscitation
19 system which is colored coded, and what it is, is it's a
20 tape and you measure the infant from head to toe, and
21 wherever the foot falls is what color pack that you will
22 use on this infant. Everything is premeasured.
23 Everything is done up -- a pediatric code is very
24 stressful, more so than an adult code, and so it just kind
25 of helps things go smoothly.

26 Q. Does the size of the child warrant how much
27 medication you would give them?

28 A. Absolutely. And to what size endotracheal
29 tubes to use which is the tube that we put down their

1 throat into their lungs to help them breath.

2 Q. And that's the reason it's color coded so you
3 won't have to try to figure out which ones --

4 A. Absolutely.

5 Q. -- you can just grab the ones that go with the
6 size of the child.

7 A. Absolutely. Used to, they have to measure the
8 pinky finger, and it was some multiplication. It was kind
9 of complicated, and if you didn't do it regularly, you
10 could forget.

11 Q. Y'all, in fact, did that with Maddie Britt that
12 night or Chloe Madison Britt?

13 A. Yes, sir.

14 Q. Did you know this child prior to that?

15 A. No, sir.

16 Q. Did you know her mother?

17 A. Just briefly. Her grandmother -- her mother
18 worked in -- the grandmother worked in ICU.

19 Q. The baby's grandmother?

20 A. Yes, sir.

21 Q. Which would have been Rebecca Britt's mother?

22 A. Yes, sir. Lillian Watson.

23 Q. So you knew the grandmother.

24 A. Right.

25 Q. And so y'all determined which kit to use. Tell
26 us what happened after you do that or what you did in this
27 particular case.

28 A. Well, while they were trying to resuscitate
29 the child -- there are several -- on a code team, people

1 have several different jobs. I was trying to get IV
2 access on this child which the child was cyanotic when she
3 came in which is blue. She had a blue color. She didn't
4 have a pulse. There were no spontaneous respirations. So
5 while the physician is trying to ascertain an airway and
6 secure it, I needed to get an IV on this child so we can
7 get some medicines in this child. So that's what I was
8 doing, and because she appeared to have been pulseless for
9 an amount of time because she was blue, I figured it was
10 it's going to be difficult. And so with some luck, we got
11 an IV on her and started giving her fluids and
12 medications.

13 Q. Did she make any kind of recovery at all, or
14 were y'all able to get any kind of --

15 A. Not initially. She was in what we call
16 asystole. She had no pulse and no respirations. She was
17 being bagged at the time which is with the amboo bag, the
18 mask that's over the -- fits over the face and squeeze
19 with the hand, and it blows the oxygen to the lungs
20 because the ER doctor was having trouble intubating her
21 which is when they put the tube down into the lungs.

22 Q. Do you have any idea why that was being -- why
23 that was difficult?

24 A. No, sir. Not at the time.

25 Q. Would you just go ahead and describe your
26 treatment of her, what was going on in there, and what you
27 did and what you observed.

28 A. Well, we were securing the IV access, pushing
29 the medicines which is giving the drugs through the IV

1 according to the protocol, and there's different drugs
2 that you give. They were continually bagging and
3 attempting to intubate the child. They called the child's
4 physician whom at the beginning they thought was Dr.
5 Cadle, and I think later on they had made a mistake and it
6 was Dr. Dar. But Dr. Cadle had arrived in the emergency
7 room, and Dr. Cadle intubated the child and soon after
8 that --

9 Q. Were you present when she did that?

10 A. Yes, sir.

11 Q. Was Dr. Patterson present when she did to your
12 recollection?

13 A. Yes, sir. I think so.

14 Q. Now, Dr. Cadle, is she currently residing here
15 in Natchez, still practicing in Natchez?

16 A. No, sir. I think she's moved to Arkansas.

17 Q. All right. But you were there and you observed
18 her. You said she was able to intubate her?

19 A. Yes, sir. And I think soon after she intubated
20 her, Dr. Dar came, and I think she -- they had realized
21 that they had called the wrong physician. There was some
22 confusion there which, I guess, is understandable with
23 everything that is going on, and so Dr. Cadle turned the
24 care of the patient over to Dr. Dar.

25 Q. Okay. I believe Dr. Dar is a pediatrician; is
26 that right?

27 A. She is. Yes, sir.

28 Q. And I assume Dr. Cadle too?

29 A. Yes, sir.

1 Q. Okay. Now, if you would, tell us what happened
2 after she was intubated, if anything.

3 A. After she was intubated and we were giving her
4 more drugs, and she was getting positive pressure
5 ventilation, we were able to eventually get a pulse back
6 on her, and so she began to pink up and as she began to
7 pink up, we noticed some bruising.

8 Q. Where did you see bruising? Did you actually
9 see it yourself?

10 A. Yes, sir.

11 Q. Where did you see bruising?

12 A. I saw bruising on the inner thighs, right and
13 left and --

14 BY MR. HARPER: If the Court will indulge me
15 just one moment. May I approach the witness?

16 BY THE COURT: Yes, sir.

17 BY MR. HARPER:

18 Q. Ms. Godbold, I'll show you what's been marked as
19 State's Exhibit 4 and tell me whether or not you can
20 recognize what's in that photograph?

21 A. Yes, sir. It's a bruise here and then seems
22 like there's a bruise there and there also.

23 Q. Does this fairly and accurately represent the
24 condition of the bruises you saw on the child on that
25 particular night, February 21st of 2002?

26 A. Yes, sir.

27 BY MR. HARPER: Your Honor, may I publish that to
28 the jury?

29 BY THE COURT: You'll be allowed to publish

1 Exhibit 4 to the jury.

2 (Mr. Harper passes Exhibit 4 to the jury.)

3 BY MR. HARPER:

4 Q. I am sorry. I didn't mean to interrupt you, Ms.
5 Godbold. You say you observed these bruises as she pinked
6 up. Did you observe anything else at that time?

7 A. She also had some bruising on her head, the
8 frontal part here.

9 Q. Okay.

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

11 BY THE COURT: Yes, sir.

12 BY MR. HARPER:

13 Q. Ms. Godbold, I am going to hand you what's been
14 marked as State's Exhibit 6 which purports to be another
15 photograph of this child shortly after her death and ask
16 if you can identify what's in that picture.

17 A. Yes, sir. There's some bruising here, like
18 three little things right there.

19 Q. I'll ask does that fairly and accurately
20 represent the bruises that you observed on her on that
21 night of February 21st of 2002?

22 A. Yes, sir.

23 BY MR. HARPER: May I publish it, Your Honor?

24 BY THE COURT: You'll be allowed to publish
25 Exhibit 6 to the jury.

26 (Mr. Harper passes Exhibit 6 to the jury.)

27 BY MR. HARPER:

28 Q. All right. What, if anything, else did you
29 observe, Ms. Godbold, at that time?

1 A. Well, after she was intubated and she had an IV,
2 the main stays of emergency room treatment are what we
3 call the ABC's. Airway, breathing, and circulation. I
4 mean, you have got to establish these three in order to
5 sustain. Usually when a pediatric patient comes in,
6 pediatric patients don't have heart attacks more than
7 likely. If they have heart problems, they're usually
8 congenital or they're born with them. Patients this age
9 are usually going to aspirate or choke, which is that, or
10 from trauma. So, anyway, we started looking over this
11 child because, okay, we've got to figure out what caused
12 this child to arrest.

13 Q. What, if anything, do you recall what, if
14 anything, she was wearing when she came into the emergency
15 room?

16 A. Initially when they took her down to the
17 emergency room, I was not there. I was busy securing the
18 kit, but from what I understand, she had a T-shirt on and
19 a diaper because I recall the other nurse saying that she
20 had to cut the T-shirt off to put the electrodes on her
21 chest.

22 Q. When you got there, what was she wearing?

23 A. Just a diaper.

24 Q. I'm sorry. I didn't mean to interrupt. You
25 can go ahead and tell us --

26 A. That's fine. As we obtain circulation on this
27 child and began to have a heart rate and we got a blood
28 pressure, we're like, okay. Let's get some more vital
29 signs on this baby. So we needed to do a rectal temp

1 which is routine in the emergency room. So we rolled the
2 baby over on its side, and I was just blown away by what I
3 saw.

4 Q. Describe it for us, please, ma'am.

5 A. I saw a rectum that was about the size of a
6 quarter.

7 Q. Is that unusual in an infant?

8 A. Yes, sir. It's very unusual.

9 Q. What would a normal infant's rectum appear --
10 how would it appear to you?

11 A. The rectum -- you really can't see it. When you
12 look for it, you look for a bunch of striated tissue that
13 comes together in a tight pucker. It's not hardly even
14 open. Adults are basically the same way. It's not
15 anything that's just open and there. It's really tight
16 and closed. And it's -- you don't see that in an infant,
17 especially something that large.

18 Q. Okay. Was there anything significant about
19 the -- I mean, you said it was large. Was there anything
20 discharging or anything like that that you were able to
21 observe?

22 A. Stool would ooze from it because there was no
23 tone.

24 Q. Muscle tone?

25 A. No tone. And there were little lacerations
26 above the rectum that stool would ooze out of that also.

27 Q. When you say lacerations, you're talking about
28 tears.

29 A. Yes, sir.

1 BY MR. HARPER: May I approach the witness,
2 Your Honor?

3 BY THE COURT: Yes, sir.

4 BY MR. HARPER:

5 Q. I am going to show you a photograph that's
6 marked as State's Exhibit 5 which purports to be a
7 photograph of the anal area of this Chloe Madison Britt
8 shortly after her death and ask if you'll look at that and
9 tell if that looks familiar to you?

10 A. It does, but honestly, that doesn't do it
11 justice.

12 Q. When you mean -- explain that to me what you
13 mean by that.

14 A. It was much larger. What I saw was --

15 Q. If you would on this photograph --

16 BY MR. CLARK: Your Honor, we're --

17 BY THE COURT: Yes, sir.

18 BY MR. CLARK: If that picture doesn't
19 accurately depict the picture at the time, then it
20 should be inadmissible then.

21 BY THE COURT: I'll overrule that objection. I
22 understand what her testimony to be. She is
23 describing some differences, but I will overrule that
24 objection.

25 BY MR. HARPER:

26 Q. You said it doesn't do it justice. Does it
27 appear to be similar to what you saw? Does it appear to
28 be --

29 A. It does, but there's like -- you see the tears

1 here and here, and stool was just leaking from it. It was

2 -- (pause)

3 Q. How long have you worked in ER?

4 A. Gosh. Since '91.

5 Q. Seen a lot of stuff in there?

6 A. Yes, sir.

7 BY MR. SERMOS: Objection, Your Honor. Leading
8 question.

9 BY THE COURT: I sustain as to leading.

10 BY MR. HARPER:

11 Q. How, if anyway, did this affect you when you saw
12 that, Ms. Godbold, as compared to other cases that you've
13 worked over the years you've worked in the ER?

14 A. I went and saw a counselor.

15 BY MR. HARPER: May I publish this to the jury,
16 Your Honor.

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

19 BY MR. HARPER:

20 Q. You say you went and saw a counselor.

21 A. I did.

22 Q. For what purpose?

23 BY MR. SERMOS: Objection, Your Honor. This is
24 not relevant to the proceedings here. Whatever she
25 did, she's testifying here as to what she perceives
26 as to the infant.

27 BY THE COURT: I'm going to sustain the
28 objection to any further questions along that line.

29 BY MR. HARPER: .

1 Q. So after you observed this in the rectal area,
2 what, in anything, else did you see as far as the child
3 was concerned, Ms. Godbold?

4 A. Well, immediately, we notified the physician
5 that was there, and she looked. And then they started
6 looking -- you know -- at other areas, really looking over
7 the child in a different way.

8 Q. Different perspective?

9 A. Yes, sir.

10 Q. And what, if anything, did you observe, if
11 anything, other than what you've already described to us
12 today.

13 A. Most of the other things, the physicians did. I
14 think they noted rectal hemorrhages which I didn't --

15 Q. You didn't see that?

16 A. No, sir.

17 Q. Well, you couldn't testify about what somebody
18 told you. Was there anything else that you personally saw
19 besides what you --

20 A. She had a torn frenulum.

21 Q. All right. Would you describe that for us and
22 tell us what you're talking about.

23 A. It's the little piece of skin that attaches the
24 lip to the gum. If you raise your lip up, there's a
25 little line of skin there. That's your frenulum. You
26 also have one on the lower lip.

27 Q. Okay. What would that be indicative of, having
28 a torn frenulum like that?

29 A. Well --

1 BY MR. CLARK: She's not -- I don't believe
2 she's been qualified to answer that question --

3 BY THE COURT: I will sustain.

4 BY MR. CLARK: -- Your Honor, we object.

5 BY THE COURT: I sustain.

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

7 BY THE COURT: Yes, sir.

8 BY MR. HARPER:

9 Q. I'm going to show you first what's been marked
10 as State's Exhibit 7 which purports to be a photograph of
11 Chloe Madison Britt shortly after her death, and ask if
12 you can identify that photograph?

13 A. Yes, sir.

14 Q. Is there anything significant on that
15 photograph?

16 A. Lots of facial swelling.

17 BY MR. HARPER: Your Honor, we'd ask that we be
18 able to publish this --

19 BY MR. HARPER:

20 Q. Does it fairly and accurately represent how she
21 looked with her mouth closed on that particular date?

22 A. To the best of my knowledge. Yes, sir.

23 BY MR. HARPER: I'd ask that we would be able
24 to publish this photograph.

25 BY THE COURT: You'll be allowed to publish
26 Exhibit 7 to the jury.

27 (Mr. Harper passes to the jury.)

28 BY MR. HARPER:

29 Q. I now hand you, Ms. Godbold, what's been marked

1 as State's Exhibit 8 which purports to be a photograph of
2 Chloe Madison Britt shortly after her death and ask if you
3 can identify what's in that photograph.

4 A. Yes, sir. It's showing the lacerated frenulum,
5 upper lip.

6 Q. Does that fairly and accurately reflect the
7 injury that you saw to her on that particular evening?

8 A. Yes, sir.

9 BY MR. HARPER: We ask that we be allowed to
10 publish that to the jury.

11 BY THE COURT: You will be allowed to publish
12 Exhibit 8 to the jury.

13 BY MR. HARPER:

14 Q. Okay. Ms. Godbold, again, anything else that
15 you observed besides what you have already described for
16 us on this particular child that night?

17 A. With regard to the code or --

18 Q. With regard to any injuries you observed or with
19 regard to anything else that occurred that night while you
20 were involved in the treatment of the child?

21 A. Just, of course, before she had -- we lost a
22 pulse on her again, she apparently herniated which the
23 brain was swelling and just -- her face just swoll due to
24 the brain herniation and then just a few --

25 Q. When you say brain herniation --

26 A. I'm sorry.

27 Q. -- in laymen's terms, what would you mean by
28 that?

29 A. Well, blood, when it comes in contact with brain

1 tissue or sometimes any other tissue, it's an irritant.
2 So it causes swelling and, you know, within the skull,
3 there is only just limited room to allow for swelling and
4 so whenever there's an increased pressure, an object wants
5 to go to an area where there is lesser pressure. So what
6 happens is it wants to go downward toward the spine so --

7 Q. So you observed swelling. Did you observe
8 anything else?

9 A. Yes, sir. She had what we call rhinorrhea,
10 which is leakage of clear cerebral spinal fluid out the
11 nares or the nose, and how this is justified is when that
12 happened and I noticed that that was coming from her nose,
13 I did a glucostick on it which is what diabetics use to
14 check their blood sugar. Cerebral spinal fluid has sugar
15 in it because the brain uses thirty percent of the total
16 body's glucose. So if it was just mucus, there would be
17 no sugar in it. So I checked it and it was like 424 --

18 BY MR. SERMOS: Objection, Your Honor. This has
19 gone on and she hasn't been tendered as an expert
20 witness, and we feel that her testimony is going
21 beyond her training or beyond the scope of her
22 testimony.

23 BY THE COURT: All right. I'll sustain as to
24 any further questions along this line.

25 BY MR. HARPER: Okay.

26 BY MR. HARPER:

27 Q. Did you observe anything else about the
28 child's -- any other injuries to her than those you have
29 already described?

1 A. No, sir.

2 Q. And you indicated that y'all began to lose the
3 pulse when this --

4 A. Yes, sir.

5 Q. -- swelling took place.

6 A. Yes, sir.

7 Q. And these other things. Did you observe
8 anything else besides the swelling?

9 A. No, sir.

10 Q. Okay. And were you able to bring the pulse back
11 or tell us what happened after that, if you would.

12 A. No, sir. After she apparently herniated from, I
13 would assume, head trauma, then we couldn't get much of
14 anything back on her. I think she stayed on the vent for
15 just a little bit longer, but I think soon after that, Dr.
16 Dar pronounced her.

17 Q. Dead.

18 A. Yes, sir.

19 Q. Okay. Did you have occasion -- Ms. Godbold, I
20 know you were involved in the treatment, but did you ever
21 have any occasion to talk with the mother of the child or
22 the defendant or anyone else that was there?

23 A. No, sir.

24 Q. You weren't involved in any of the conversations
25 with them?

26 A. No, sir. I never had any conversations with
27 them.

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

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

2 BY MR. HARPER: Your Honor, we'd tender this
3 witness at this time.

4 BY THE COURT: Any cross-examination?

5 BY MR. SERMOS: We have no questions, Your
6 Honor.

7 BY THE COURT: All right. You may step down.
8 Would both sides release this witness from the
9 subpoena?

10 BY MR. SERMOS: Yes, Your Honor. We will.

11 BY MR. HARPER: Yes, Your Honor. We have no
12 objection to that.

13 BY THE COURT: You may step down, and you'll be
14 released from your subpoena.

15 (Witness steps down.)

16 BY THE WITNESS: Thank you.

17 BY THE COURT: You may go. Ladies and
18 gentlemen, it's going to be time to take our lunch or
19 noon recess. We're going to recess court until 1:30.
20 You be allowed to eat over at the Eola. So that
21 should give you plenty of time. If there's any
22 problem, Mrs. Angelethy, let me know. Again, keep in
23 mind, what I said about no contact with anybody
24 involved in this case. So let's let the jurors leave
25 before anyone else. Court will recess until 1:30.

26 (After a lunch recess from 12:30 until 1:30, the following
27 was made of record, to-wit:)

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

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 me -- 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.

1 Q. And how long have you been there?

2 A. Since 1999.

3 Q. Dr. Patterson, you were working last --

4 (The witness adjusts the microphone.)

5 Q. You were working last February; were you not?

6 A. Yes, I was.

7 Q. Do you recall the night of February 21st when
8 Chloe Madison Britt was brought to the emergency room?

9 A. Yes, I do.

10 Q. Would you tell us what your involvement in that
11 case was, please, ma'am.

12 A. I was the emergency room physician on duty there
13 that night.

14 Q. How did you first hear that something was wrong
15 or something was happening?

16 A. One of the phlebotomists from the lab came
17 running into the emergency room holding a baby saying that
18 there was a code.

19 Q. So what did you do?

20 A. I was sitting at the desk at that time. So we
21 jumped up and ran to the back to find -- room five was
22 considered our trauma room, and it was open, and that's
23 the room we carried the baby to.

24 Q. What steps did you all take?

25 A. Basically when the baby was placed onto the
26 gurney at that time, my assessments are all head to toe,
27 head to toe, head to toe type of assessments, and
28 initially when the baby was placed on the gurney, the
29 assessment was airway -- you know -- and in a child that

1 age that's not breathing, one of the first things you
2 think is aspiration of some toy or something perhaps or
3 something respiratory. Her airway was open. Breathing,
4 she was not. Circulation, there was none. There were no
5 heart tones, and, you know, it was all new and it was a
6 baby. So we had to call respiratory. Of course, a lot of
7 it, my nurses were starting. They were doing their thing
8 while I am doing mine, but I did CPR as far as doing mouth
9 to mouth resuscitation until I could get respiratory there
10 to do some bagging for me. We placed an oral airway and
11 started to breath with a bag for the baby, and do you
12 basically just want me to tell everything that --

13 Q. If you would, please.

14 A. That took place that night.

15 Q. When you first saw the baby, Dr. Patterson, you
16 said head to toe, head to toe. What do you mean by that?
17 Did you do a pretty good look over?

18 A. Your first examine is airway, breathing, and
19 circulation. One of the first things I noticed about the
20 baby and for whatever reason that it jumped out at me.
21 There were some bruises on her forehead. That kind of
22 struck me as odd, and it's kind of -- I guess it was
23 prominent enough that you would notice it even during a
24 time like that. That was one of the first things I
25 noticed.

26 Q. Okay. I show you Exhibit Number 6, Dr.
27 Patterson, and ask you to show that to the jury if that's
28 what you were talking about the bruising.

29 A. Yes.

1 Q. Point it out to them, please.

2 A. Noticed the finger marks -- or I don't know
3 what they were, but the pad type marks on the child's
4 forehead.

5 Q. You observed that when you first began your
6 treatment?

7 A. Yes.

8 Q. At what point did you begin to suspect
9 something more than perhaps a clogged area?

10 A. Well, there was nothing visible in the airway,
11 and, with bagging, I was able to bag and hear bilateral
12 breath sounds. We were putting air through to her lungs.
13 So that tells me it's not obstructed basically by
14 something. If there was something lodged in there, when I
15 bagged her, I would not have gotten breath sounds on both
16 sides. We noted a torn frenulum.

17 Q. And, again, if I may, Dr. Patterson, I don't
18 wish to interrupt you, but Exhibit 7 and 8, would you show
19 the jury what you mean by the torn frenulum, please.

20 A. The frenulum is the little piece of meat that
21 connects that upper lip to the gum there. The little
22 piece that you could pinch like that. That's pretty
23 remarkable in a child this age. I do see it in the ER
24 because it scares parents when it happens. It bleeds, and
25 everything about the face is very vascular. Lots of
26 vessels. So if a child that's toddling around hits a
27 coffee table or falls and hits something like that, then
28 they'll tear that occasionally. That frenulum. It's not
29 usual, but it scares mom and dad to death because it

1 bleeds so much.

2 Q. You see that a lot in infants that can't walk?

3 A. No, you don't see that in infants because
4 they're pretty much carried wherever they do. It takes a
5 pretty good -- you're looking at a blunt type thing
6 usually to cause a tear in frenulum. I did notice that.

7 Q. Did you ever receive any history from anyone to
8 indicate that the baby had suffered an injury?

9 A. No. One of the nurses went out to talk to the
10 mom.

11 Q. But you never got any information about an
12 injury?

13 A. There was no -- no known injury as far as they
14 were concerned.

15 Q. Did you ever observe anything that would
16 indicate to you that there had indeed been an injury?

17 A. Well, in trying to get her breathing, doing CPR,
18 doing chest compressions, and bagging, breathing for the
19 baby. One of the nurses -- one of the things you do is in
20 an infant is a rectal temp, and at that point, one of the
21 nurses that were there said, "Dr. Patterson," and I
22 looked, and one of the most prominent things, I guess, of
23 the whole deal for this child was the anal opening.

24 Q. What about the anal opening?

25 A. I would say it was open about the size of a
26 quarter.

27 Q. Is that typical?

28 A. No. If you ever -- as one of my nurses says,
29 it's a one way only route there. It's like a pucker, and

1 we take rectal temps on all our babies in the ER up to a
2 certain age because it's more indicative of what's really
3 going on, but the probe you use to take a rectal temp is
4 smaller than my little finger. It's a -- put KY and
5 you're able to get it in there without any problem because
6 they're able to pass a bowel movement, but that's because
7 your sphincter or your tone there, those muscles there
8 open up and let the stool out. Otherwise, it's stays
9 puckered shut, and her anal opening was about the size of
10 a quarter and open. Very flaccid, like there was no tone
11 there, and there was a little tear there. There was some
12 oozing from her rectum. It was not solid stool anyway.
13 It was just more of a thin, liquidy, just kind of drainage
14 from the rectal opening.

15 Q. Dr. Patterson, let me -- if I may show you
16 Exhibit Number 5 which purports to be a picture taken of
17 the baby's anus shortly after death and ask you to explain
18 that in relation to what you saw?

19 A. Uh, doesn't do it justice.

20 Q. What do you mean by that?

21 A. I guess because the length of time that she's
22 been dead at this point. You can definitely see -- it's,
23 say, that wide of an opening there or it's still length
24 wise open, but it's become more of an elongated thing than
25 what we saw that night, but you still see -- the opening
26 is so long, and you can see the small tear there.

27 Q. Is that normal, Doctor?

28 A. Which one?

29 Q. The way that anus looks, is that normal?

1 A. No.

2 Q. Is what you saw normal?

3 A. No, not at all.

4 Q. Is what you saw indicative of sexual
5 penetration?

6 A. Yes. Or penetration of some sort. Yes.

7 Q. And the injuries to the baby's mouth, is that
8 suggestive of some sort of penetration with a large object
9 also?

10 A. Very likely. Something that caused a pushing,
11 a shearing type effect to the mouth would cause a torn
12 frenulum in a baby.

13 Q. Dr. Patterson, I am just thinking especially in
14 emergency room of all the practices, you've probably seen
15 some pretty horrible victims come in.

16 A. True.

17 Q. Is what you saw on this child, does that suggest
18 to you sexual penetration?

19 A. Yes.

20 Q. The life threatening injuries to the baby apart
21 from the sexual penetration, would you describe to the
22 jury as to what you actually found out was wrong with this
23 child. In other words, what led to this child's death?

24 A. She had retinal hemorrhaging.

25 Q. I am sorry. Again, for laymen, when you say
26 retinal hemorrhage --

27 A. When you looked into her eyes, it's like you're
28 seeing little patches of blood back in there, deep inside
29 the eyes. Retinal hemorrhaging is indicative in that age

1 group of something like a shaken baby type thing where you
2 actually caused so much force that you're able to tear
3 those vessels there that you see those plaques or pools of
4 blood deep in the eyes. That's the majority of the time
5 that you see retinal hemorrhaging in a baby. Trauma of
6 some sort.

7 Q. As you all continued your treatment of Chloe,
8 what steps did you take toward the last of what finally
9 made it all futile.

10 A. She was intubated. In other words, a tube was
11 put down to breath in her lungs so that she could be
12 properly ventilated. CPR was done until -- her heart
13 actually did start to beat on its own for a period of
14 time, and we were able to stop the compressions and her
15 heart did maintain itself for a period of time. She was
16 receiving IV fluids. We had hoped to take her for a CT
17 scan to see if we could find out -- you know -- more of
18 what was going on in her head that would have caused this
19 or be causing this, and we thought we had her stable there
20 enough for a few minutes to do that. But her final death,
21 you know, that's the pathologist to tell you what her
22 final cause of death was, but what I saw, it was like a --
23 she just started to swell. Literally swell. Her face,
24 her head, everything just -- it was like it blew out from
25 the inside out and it just caused this actual visual
26 swelling of her head. At that point, we lost everything.
27 There was nothing left, and it was shortly after that the
28 code was called.

29 Q. Which is another way of telling us what?

1 A. We pronounced her dead.

2 BY MR. ROSENBLATT: I tender this witness, Your
3 Honor. Dr. Patterson, answer any questions the
4 defense lawyers have.

5 BY THE COURT: Cross-examination.

6 CROSS-EXAMINATION

7 BY MR. SERMOS:

8 Q. Yes. Dr. Patterson, when you were talking about
9 the torn frenulum you talked about -- I think you said a
10 lot of times especially in children that a fall will cause
11 that to happen?

12 A. Uh-hum. Yes.

13 Q. Well, even though this child wasn't walking, if
14 this child had fallen from a height of, say, three feet
15 onto a hard surface that could cause that frenulum to
16 burst or bleed; isn't that correct?

17 A. Yes. Anything that would cause -- you know --
18 something, a force type of effect, yes.

19 Q. Like a porcelain toilet top or something like
20 that. Some solid object like that.

21 A. If she fell on to it with her mouth.

22 Q. Okay. As far as the -- the other records, of
23 course, you talked about the retinal hemorrhaging, things
24 like that, and then you also talked about the rectum and
25 her anus. That injury in and of itself -- I mean, I know
26 it's hard to separate when you have a patient come in like
27 that. That injury itself or whatever caused that to the
28 rectum, that itself would not be a life threatening or
29 life taking injury, would it?

1 A. The dilation of the rectum?

2 Q. Right.

3 A. It would not be a life threatening injury unless
4 something had penetrated it to -- or caused that opening
5 so far that it caused internal damage as far as her
6 abdominal cavity is concerned.

7 Q. You don't know that any of that happened, do
8 you?

9 A. No, I do not.

10 Q. And as far as -- you did state I believe
11 earlier. I want to make sure I understand that. Some
12 type of sexual abuse or sexual assault, but didn't you
13 also say even some kind of object could have caused that
14 wound?

15 A. Which wound --

16 Q. The wound on her rectum or the -- you saw that
17 was torn or a tear in the rectum or the anus?

18 A. Penetration with some object. I would have --

19 Q. All right. And when you use the word "tear," is
20 that the same word in your language as a contusion?

21 A. No. A contusion is more just what we call a
22 bruise is a contusion. A tear is more the skin itself and
23 whatever tissue depth it might go. It's actually torn.

24 Q. So would you be surprised if the medical
25 examiner had called that a contusion instead of a tear?

26 A. Yes. I guess I would because there was some
27 fluid that was oozing from that sight also.

28 BY MR. SERMOS: Nothing further, Your Honor.

29 BY THE COURT: Any redirect of this witness?

1 BY MR. ROSENBLATT: Briefly, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. ROSENBLATT:

4 Q. Dr. Patterson, Mr. Sermos indicated that if this
5 baby were dropped just right could have caused that mouth
6 injury?

7 A. Right.

8 Q. Do you agree that's a possibility?

9 BY MR. SERMOS: Objection, Your Honor. He's
10 going into he could have gone into that on direct.

11 BY MR. HARPER: It's redirect of what he asked
12 him.

13 BY THE COURT: I overrule the objection at this
14 point. You may proceed, Mr. Rosenblatt.

15 BY MR. ROSENBLATT:

16 Q. How would dropping the baby to cause that gaping
17 anal opening?

18 BY THE COURT: I sustain the objection to that.
19 Any other questions? You may step down. Will Dr.
20 Patterson be excused by both sides?

21 BY MR. ROSENBLATT: Yes, Your Honor.

22 BY THE COURT: You'll be released under your
23 subpoena.

24 BY MR. SERMOS: We excuse her also, Your Honor.
25 (Witness steps down.)

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

28 BY MR. HARPER: We call Dr. Dar, Your Honor.

29 DR. AYESHA DAR,

1 in Natchez; is that correct?

2 A. That's correct.

3 Q. Has that been since '96?

4 A. That's been since 2000.

5 Q. Okay.

6 A. Two and a half years.

7 Q. And in your practice here, did you have occasion

8 to be the -- serve as the pediatrician for a young child

9 by the name of Chloe Madison Britt?

10 A. Yes.

11 Q. Do you recall when you first started treating

12 her?

13 A. Yes. When she was firstborn.

14 Q. Okay. You were her doctor since her birth?

15 A. Right.

16 Q. And, of course, she passed away somewhere around

17 the time she was six months old; is that correct?

18 A. Right.

19 Q. And I'll ask you did you have occasion to be

20 present at the Natchez Community Hospital at the time of

21 her death?

22 A. Right. Yes.

23 Q. Would you tell us how you came to be there that

24 night. Were you working that night?

25 A. I do call for own patients and that night close

26 to 10:00 that night, they called me for a baby who was

27 brought to the emergency room not breathing. They use the

28 word "panic." Baby is not breathing. I asked them who

29 that was, and they gave me a name, and I said I will be

1 there. And I left and I live like two minutes from the
2 hospital. So I was there.

3 Q. When you got to the hospital, where was the
4 baby?

5 A. Baby was in the examining room in the back at
6 Natchez Community.

7 Q. Do you recall who, if anyone, was in room with
8 her when you got there?

9 A. Dr. Patterson was there and a few nurses. I
10 might not be able to remember all of them.

11 Q. Okay.

12 A. And the baby was being intubated at that time by
13 Dr. Cadle.

14 Q. Dr. Cadle was there also?

15 A. She was there. She got there a few minutes
16 before I did.

17 Q. Now, Dr. Cadle, do you know what kind of doctor
18 she --

19 A. Pediatrician.

20 Q. And she practiced here in Natchez for --

21 A. Right.

22 Q. -- for some time.

23 A. Right. And she moved in June to Arkansas.

24 Q. So she practices in Arkansas now?

25 A. Now. Yes.

26 Q. Do you know why she was there that night?

27 A. She was called by mistake. The way the call
28 schedule has been designed, she was on call that night,
29 but I get call for my own patients. So it took them a few

1 minutes to realize whose patient this is, and they called
2 me right after that. So it was like a few minutes between
3 her and me.

4 Q. And when you got there, you said they were all
5 in the room with her. What were they doing when you got
6 there if you can recall.

7 A. Baby was on the examining table. They were
8 doing CPR, and Dr. Cadle was intubating the baby.

9 Q. When you say intubating, that's putting the tube
10 in?

11 A. Putting the tube in, airway was being secured,
12 and they were getting an IV in her.

13 Q. Okay.

14 A. I put my gloves on and I looked at the baby. So
15 right now, baby was being treated. So I had a few minutes
16 to look at the baby, and that's when I realized what had
17 happened.

18 Q. Why don't you tell us what you observed about
19 the baby.

20 A. Baby was being intubated. Was blue around the
21 mouth. Pupils were fixed. So I walk onto her head side
22 first, and so I had this luxury of being able to look in
23 her eyes because the rest was being done, and I said --
24 pupils were fixed which means -- which is a sign of brain
25 dead. Pupils were fixed and dilated. So I look through
26 her pupils, and I see hemorrhages in her retina which
27 means -- which is so very specific of this kind of injury.

28 Q. What kind of injury is that?

29 A. Being a shaken baby. Retinal hemorrhages.

1 Nothing else causes that, and I said, oh, my God. And
2 next baby's diaper had been taken off and they were trying
3 to do a rectal temperature on the baby.

4 Q. You were there when they first did that?

5 A. Yes. Yes.

6 Q. Okay.

7 A. And I said, "Did anybody see this." And they
8 all are just trying to intubate, and I said who brought
9 the baby in. And that's when I said nobody --

10 Q. Let me stop you just a second. You said who
11 all -- did anybody see this. What were you talking about?

12 A. The rectal tear.

13 Q. Would you tell us what you observed about the
14 rectal area.

15 A. Right. Baby was -- baby was bleeding from her
16 rectum and her opening was dilated, and I could see a tear
17 around about twelve o'clock position if I remember right.

18 BY MR. HARPER: May I approach the witness, Your
19 Honor?

20 BY THE COURT: Yes, sir.

21 BY MR. HARPER:

22 Q. Dr. Dar, I am going to hand you -- Dar. Excuse
23 me. Dr. Dar, I'm going to hand you what's been marked as
24 State's Exhibit 5 which purports to be a photograph of the
25 baby's rectal area shortly after her death.

26 A. Right.

27 Q. Would you tell us, does that appear to be an
28 injury that you observed that night?

29 A. Right. This is the back. This is the spinal

1 area. So you're looking at twelve o'clock tear right
2 here.

3 Q. Where is the tear?

4 A. Right this one.

5 Q. Okay.

6 A. This is actually an autopsy picture. So they
7 have cleaned up the baby.

8 Q. It was messier than this?

9 A. Oh, yes.

10 Q. But that is fairly and accurately
11 representative --

12 A. Fairly.

13 Q. -- of the tear that you saw?

14 A. Fairly. That's not normal.

15 Q. And I assume -- had the others already seen that
16 prior to you seeing it?

17 A. My guess is this all happened around about the
18 same time. They were taking the diaper off.

19 Q. So you were there when they actually took the
20 diaper off?

21 A. Right. Right.

22 Q. So you saw when they did it?

23 A. Right. Right. And we noticed some bruises on
24 her thighs, like, almost like long, linear bruises like --
25 my guess would be somebody was holding her there. This is
26 my guess. I don't know.

27 Q. These tears and this condition of this rectal
28 area that you described, what's that indicative of, Dr.
29 Dar?

1 A. Sexual abuse. Foreign object was inserted in
2 her rectum forcibly and that can cause.

3 Q. Now, you mentioned some bruises on her legs?

4 A. On her thighs.

5 BY MR. HARPER: May I approach again, Your
6 Honor?

7 BY THE COURT: Yes, sir.

8 BY MR. HARPER:

9 Q. Let me show you what's been marked as State's
10 Exhibit 4 which again is a photograph. I believe an -- I
11 believe this photograph was at the hospital.

12 A. This looks like the hospital.

13 Q. Is there anything in there that looks --

14 A. See, they're pointing at it right there.

15 Q. Yes, ma'am.

16 A. That looks like a linear bruise. If you kind of
17 position the baby, somebody was forcibly holding her like
18 that on her thighs.

19 Q. Yes, ma'am. Okay. If you would, Dr. Dar,
20 continue to tell -- after you observed this, what, if
21 anything, did you do and/or observe of the baby?

22 A. Right. By then, baby was already intubated, and
23 I think two other doctors went behind me, if I am right,
24 to look in her eyes, and both noticed the same thing and
25 --

26 Q. When you say two other doctors, would that have
27 been doctor --

28 A. Would be Dr. Patterson and Dr. Cadle, I think.

29 If I am right.

1 Q. Okay.

2 A. And they both -- I said did you see these.
3 They said yeah. We see the same thing you saw, retinal
4 hemorrhages, and then next we talked about how bad the
5 injury was on her genitalia, and at that time either I
6 said that or I told Dr. Patterson, and we called the
7 police and nobody could leave the emergency room. And
8 then we went back to her resuscitating the baby. We got
9 her stable. If you look at her EKG tracing, when she came
10 in, it's flat, and we gave her epinephrine twice or three
11 times through her tube and IV.

12 Q. That's pretty strong stuff, isn't it?

13 A. Pretty strong. And babies -- a baby that age,
14 their organs are not like ours. They are new. Everything
15 responds nicely to that medication. So we got a nice
16 rhythm on her. At that point, I got on the phone and I
17 was going to arrange for a helicopter to come get the
18 baby.

19 Q. For what purpose, Dr. Dar?

20 A. Because we suspected head trauma and
21 inter-cranial bleed, and this would be something that if
22 the baby survives, would need maybe a neurosurgeon so --

23 Q. Going to airlift her somewhere?

24 A. Right. So I called Jackson and they were on
25 diversion. They were full, and I called New Orleans on
26 the phone, and they were going to send a helicopter. At
27 this point, while I was making these phone calls, baby was
28 stable. We got heartbeat. By stable, I mean we had a
29 nice rhythm there. Nice bounding pulses. One of the

1 nurses, and I don't remember which one it was, came to me
2 while I was on the phone. She has again gone back into
3 the asystole --

4 Q. Flat line?

5 A. Flat line. Went back there and basically what
6 had happened was the bleeding in her head -- she had bled
7 so much that her brain had herniated. You have a small
8 hole at the base of the skull, if you look at the skeleton
9 part. Basically there's like a small hole at the base of
10 the skull. It just kind of dropped down, and kind of she
11 exploded. She had CSF, which is fluid around the brain
12 leaking from her ears, from nostrils. At that point,
13 there is no point in saving it. So within five minutes,
14 we declared her.

15 Q. And I believe you were the one that actually
16 made the decision?

17 A. I was the one and then Dr. Cadle and Patterson
18 were in agreement. So that's what happened.

19 Q. Okay.

20 BY MR. HARPER: The Court will indulge me just
21 one moment, Your Honor.

22 BY THE COURT: Yes, sir.

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

24 BY MR. HARPER: We'll tender this witness at
25 this time, Your Honor.

26 BY THE COURT: Cross-examination.

27 BY MR. CLARK: We don't have any questions of
28 this witness, Your Honor.

29 BY THE COURT: You may step down.

1 Both sides --

2 BY MR. SERMOS: Release her?

3 BY THE COURT: -- release her?

4 BY MR. HARPER: Yes, sir.

5 BY THE COURT: You'll be released from your
6 subpoena. You may go.

7 (Witness steps down.)

8 BY THE COURT: How lengthy is your next witness
9 going to be?

10 BY MR. HARPER: Should be fairly short. We're
11 going to call Reverend Lee.

12 BY THE COURT: Let's go ahead and take Reverend
13 Lee before we take a break.

14 JAMES LEE,

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

17 BY THE COURT: Have a seat.

18 BY MR. HARPER: May I proceed, Your Honor.

19 BY THE COURT: Yes, sir

20 DIRECT EXAMINATION

21 BY MR. HARPER:

22 Q. Would you state your name for the record,
23 please, sir.

24 A. James E. Lee.

25 Q. And, Reverend Lee, you're the duly elected
26 coroner of Adams County, Mississippi?

27 A. Correct.

28 Q. How long have you served in that capacity?

29 A. January 1, 2000.

1 Q. And I believe you have some training in the
2 medical field; is that right?

3 A. That's right.

4 Q. Would you tell us what training you have?

5 A. I am emergency medical technician, immediate,
6 and certified respiratory therapist.

7 Q. Okay, sir. Reverend Lee, obviously you were
8 serving in that capacity on February the 21st of 2002; is
9 that correct, sir?

10 A. That's right.

11 Q. Did you have occasion to be called out or have a
12 report made to you about a minor child, infant child,
13 Chloe Madison Britt, on that particular evening?

14 A. I did.

15 Q. Would you tell us about how you received that
16 call and what you did as a result of it? Were you at home
17 that night?

18 A. I was at home that night and was contacted by
19 Natchez Community Hospital emergency room. One of the
20 physicians or supervisors called me.

21 Q. What did you do after you received that call?

22 A. Well, first of all, not to be apprised as to
23 what type of case they had, and the nurse -- the nurse
24 that called me -- the physician that called me said this
25 was a --

26 BY MR. SERMOS: Objection, Your Honor. Whatever
27 the person said. He stated he got to the hospital.
28 We don't need to know what the person said.

29 BY THE COURT: I'll sustain as to hearsay.

1 BY MR. HARPER:

2 Q. Reverend Lee, you won't be able to testify about
3 what anybody told you, but as a result of that
4 conversation, what, if anything, did you do at that time?

5 A. There was a death call.

6 Q. Okay. You were advised that there was a death?

7 A. Yes.

8 Q. And when that happens, what procedure do you
9 follow?

10 A. I immediately went to the hospital.

11 Q. Okay. And would you tell us what happened when
12 you got to the hospital?

13 A. Well, when I got to the hospital, I went through
14 my normal protocol as to what I am going to do as far as
15 investigating the death. Before even seeing the decedent,
16 there's a series of interviews by whoever, whoever has
17 already come in contact with the child. I interviewed
18 them so they can tell me what they seen, what they heard,
19 and then I will make an examination for myself.

20 Q. Okay. Would that include the medical personnel?

21 A. Certainly.

22 Q. And you talked with those that were there?

23 A. I did.

24 Q. Would that include any family or people that
25 were with the child when it came to the hospital?

26 A. I did speak to the grandmother, I think,
27 somewhere before I left the hospital.

28 Q. Did you have occasion to talk to the defendant
29 in this case, Jeffrey Keith Havard, at any point in time?

1 A. Didn't know him. I didn't see him.

2 Q. Was he even there to your knowledge when you
3 were there?

4 A. Not to my knowledge.

5 Q. You said you did then make an examination of the
6 body?

7 A. I did.

8 Q. All right, sir. Would you tell us where that
9 examination occurred?

10 A. In the Natchez Community Hospital emergency
11 room, the last room on the right side. I don't know the
12 number, but it was there.

13 Q. And I assume at this point in time, the baby had
14 already been declared to be deceased; is that right?

15 A. From the interview with the physician, the baby
16 was already pronounced dead.

17 Q. Was anyone in the room with the baby when you
18 observed it?

19 A. When I went into the room, Major Manley was
20 standing at the door. I can't remember if anyone else was
21 in the room, but from the sheriff's department, Major
22 Manley was standing inside of the door.

23 Q. Where was the baby? Was its --

24 A. The baby was lying in the bed on a ventilator.

25 Q. Was anybody trying to treat the baby at that
26 point or --

27 A. You know, there had to have been a nurse there.
28 I think a nurse was there and a respiratory therapist
29 standing by.

1 Q. And just tell us what observations, if any, you
2 made of the body at this time?

3 A. Well, when it was determined that the baby had
4 been declared or pronounced dead, I then went into the
5 room fully to look at the child. And what I saw in this
6 child was very unusual for a child this age, and then I
7 knew that a more thorough investigation was necessary.
8 Because there was bruising in the face of the child and
9 also there --

10 BY MR. HARPER: May I approach the witness,
11 Your Honor?

12 BY THE COURT: Yes, sir.

13 BY MR. HARPER:

14 Q. I'll show you what's been marked as State's
15 Exhibit 6, which is a photograph of the child taken
16 shortly after its death. Is this indicative of what you
17 saw that night?

18 A. That's exactly what I saw that night.

19 Q. Okay, sir. And you saw those bruises. What, if
20 anything, else did you see?

21 A. You know, we do a head to toe examination so
22 we -- although the baby was being ventilated at the time,
23 they were other areas such as the arm and the abdomen and
24 the lower trunk that were available for examination and
25 begin to look -- at the inner thigh, there also were some
26 bruising on the baby.

27 BY MR. HARPER: May I approach again, Your
28 Honor?

29 BY THE COURT: Yes, sir.

1 BY MR. HARPER:

2 Q. Did you attempt to have any photographs yourself
3 made on that particular evening?

4 A. Certainly.

5 Q. Okay, sir. I am going to show you what's been
6 marked as State's Exhibit 4 and ask if you recognize that
7 photograph?

8 A. That's my finger and that's me pointing --

9 Q. This is you right here?

10 A. That's me. That's me pointing at those bruises
11 on the -- which is very uncommon for a child that age.

12 Q. Okay, sir. What else, if anything, did you
13 observe about the baby?

14 A. Well, in the interview with the physician and
15 the interview that I had with the physician are secret in
16 which we talk about the case, there were some injuries to
17 the rectum of the child. And at this point, I made the
18 decision after I saw the rectum or the perineum which is
19 the surrounding around the rectum that something terribly
20 wrong is here. I made that decision, and at that time I
21 ordered everyone out of the room. No one else touched the
22 baby except me.

23 Q. Okay, sir. And just briefly tell us what you
24 observed about that rectal area?

25 A. It's -- it appeared that something had
26 penetrated the baby's anus.

27 Q. And that was your visual observations --

28 A. On my visual observation.

29 Q. Okay. What, if anything, did you do after you

1 had cleared the room and dealt with the baby yourself?

2 What, if any, decision did you --

3 A. There was some decision about whether or not
4 this child would be an organ donor. I then called in Dr.
5 Chris Hancock who is a sworn deputy coroner, and I asked
6 for Chris' opinion as to whether or not we should allow
7 this child to be a donor and we did not --

8 BY MR. SERMOS: Objection, Your Honor. This is
9 not probative to the matter that's at hand here
10 before the Court about organ donation.

11 BY THE COURT: I sustain as to relevancy as to
12 that.

13 BY MR. HARPER:

14 Q. Did you make a decision as to what, if anything,
15 to do as far as investigating --

16 A. We made a decision to have an autopsy done.

17 Q. Okay, sir. When you did that, what steps did
18 you take to assure that would take place?

19 A. First of all what we had to do to make sure
20 that everything that was surrounding the child was
21 carefully packaged with the child and that the child was
22 packaged and sealed, and when I say sealed, I mean covered
23 and taped and making sure everything that came in with the
24 child, went to the autopsy with the child. I personally
25 did that myself.

26 Q. Okay, sir. And after you had done that, who did
27 you determine to have this autopsy performed by?

28 A. I called Dr. Stephen Hayne who is a forensic
29 pathologist in Jackson.

1 Q. I believe he works with the state medical
2 examiner's office.

3 A. He is one of the state designated pathologists
4 who do most of the autopsies in the State of Mississippi.

5 Q. And he's in -- is he in Hinds County?

6 A. He works in Rankin County Hospital, but he does
7 autopsies at Pearl, Mississippi, at the morgue.

8 Q. Okay, sir. And how was the baby transported to
9 the morgue?

10 A. The baby was -- first of all, the baby left the
11 hospital in the coroner's van, and, again, it's very
12 important at this point that nobody handle bodies that are
13 going to be autopsied except the coroner, not EMT's, not
14 doctors, but the coroner. I transported the baby to the
15 morgue myself and placed the baby in the morgue cooler.
16 Called Mississippi Mortuary Service for Dr. Hayne to have
17 the baby transported to Jackson.

18 Q. Was the baby transported there?

19 A. It was. There is documentation all the way as
20 to when the baby was released from the morgue, who picked
21 the baby up, and who brought the baby back.

22 Q. And to your knowledge was an autopsy performed
23 by Dr. Hayne?

24 A. An autopsy was performed.

25 Q. Do you know the date of that autopsy?

26 A. I would have to refer to my notes.

27 Q. Do you have them with you?

28 A. Yes, sir.

29 Q. You can do that if you would.

1 BY THE COURT: You'll be allowed to refer to
2 your notes.

3 A. The autopsy was done on the evening -- autopsy
4 was done on the evening of the 22nd.

5 Q. So it would have been the next day?

6 A. Right.

7 Q. Actually by the time everything was done, it
8 would have been the same day just later that day.

9 A. Later that day. Right.

10 BY MR. HARPER: The Court will indulge me just
11 a moment? We'll tender this witness at this time.

12 BY THE COURT: Cross-examination.

13 BY MR. SERMOS: Yes, sir.

14 CROSS-EXAMINATION

15 Q. Yes. Dr. Lee, you state that you
16 investigate --

17 A. I'm not a doctor.

18 Q. Oh, they called you that.

19 BY MR. HARPER: I think I may have inadvertently
20 done that.

21 BY MR. SERMOS:

22 Q. I was just trying to go along with the
23 promotion. Thank you. Anyway, Coroner Lee, you said you
24 investigate and one of the ways you do that is interview
25 people, right?

26 A. Sure.

27 Q. Did you ever -- and you also go to the scenes
28 where people are killed or crime scenes or if you think
29 there's a crime?

1 A. Ninety-nine point nine percent of the time.

2 Q. Did you go to the mobile home at 33 Montgomery
3 Road?

4 A. I did not.

5 Q. You did not go there?

6 A. No, sir.

7 Q. Why didn't you go there?

8 A. That's not my job. That's for law enforcement.

9 Q. I thought you just said you did go to the crime
10 scene?

11 A. Well, I go to the crime scene if the body is
12 there.

13 Q. Oh, okay. So, in other words, if you
14 investigate something, you investigate where the body is,
15 not where you think something might have happened.

16 A. It depends on the situation. Every case is
17 different.

18 Q. And this case is different enough, then, that
19 you saw no reason or had no authority to go to the mobile
20 home at 33 Montgomery Road?

21 A. Not after I had talked with Major Manley who is
22 a representative of the sheriff's department who told me
23 that that is the part of their job, and it is part of
24 their job to make that investigation.

25 Q. Okay. So then you investigate with limitations
26 then; is that right?

27 A. My job is to make a decision on the manner and
28 the cause of death.

29 Q. So then your investigation ends once you

1 determine that, right? The manner and cause --

2 A. Basically what the State allows me to do. To
3 make a determination on the manner and the cause of death.

4 Q. So if there's other facts there, then it's up
5 for someone else to find out, right?

6 A. Who do you mean by somebody else?

7 Q. The sheriff's department or somebody else?

8 A. That's a good agency.

9 BY MR. SERMOS: Thank you. No further any
10 questions.

11 BY THE COURT: Any redirect?

12 BY MR. HARPER: No, Your Honor. I believe
13 that's all we have.

14 BY THE COURT: Would this witness be released by
15 both sides?

16 BY MR. HARPER: Yes, sir.

17 BY MR. CLARK: Yes, sir.

18 BY MR. SERMOS: Yes, sir.

19 BY THE COURT: All right. Reverend Lee, you'll
20 be released under your subpoena.

21 (Witness steps down.)

22 BY THE COURT: Ladies and gentlemen, it's about
23 time to take a break. Let's take about a ten to
24 fifteen minute break. Keep in mind what the Court
25 said previously about no contact with anybody. So
26 court will be in recess.

27 (After a short recess from 2:45 until 2:55, the following
28 was made of record, to-wit:)

29 BY THE COURT: Who does the State call as your

1 next witness?

2 BY MR. HARPER: Your Honor, we would call Deputy
3 Ray Brown with the sheriff's department.

4 BY THE COURT: Deputy Ray Brown.

5 RAY BROWN,
6 having been duly and legally sworn, answered
7 questions on his oath as follows, to-wit:

8 BY THE COURT: You may have a seat.

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

10 BY THE COURT: Yes, sir.

11 DIRECT EXAMINATION

12 BY MR. HARPER:

13 Q. Would you state your name, please, sir.

14 A. Ray Brown.

15 Q. And, Deputy Brown, with whom are you employed,
16 sir?

17 A. Adams County Sheriff's Department.

18 Q. Okay. I believe you're also one of the three
19 constables for Adams County, duly elected; is that right,
20 sir?

21 A. That's correct.

22 Q. Now, how long have you worked with the sheriff's
23 department, Deputy Brown?

24 A. Thirteen years.

25 Q. You were obviously working with the sheriff's
26 department back in February of this year, more
27 specifically on February the 21st of 2002?

28 A. That's correct.

29 Q. Did you have occasion to respond to a call to

1 the hospital?

2 A. Yes, I did.

3 Q. Would you tell us, first of all, you were
4 obviously working that night?

5 A. Yes, sir.

6 Q. Where were you when you first got this call?

7 A. We was patrolling the county.

8 Q. Out in the county?

9 A. Yes, sir.

10 Q. Do you remember how far you were from the
11 hospital when you got the call?

12 A. Not to be exact.

13 Q. And once you got the call, what, if anything,
14 did you do at that point in time?

15 A. We received the call and went to the hospital.

16 Q. Were you by yourself or with --

17 A. I was by myself in my patrol car.

18 Q. Okay. And you proceeded directly to the
19 hospital in your patrol car?

20 A. Yes, sir.

21 Q. Who, if anyone, was there when you arrived
22 there from the sheriff's department?

23 A. Officer Frank, he was on his way. We got there
24 basically pretty much the same time.

25 Q. Pretty much the same time?

26 A. Yes, sir.

27 Q. And were any other officers there prior to y'all
28 getting there?

29 A. Yeah. The reason we were going there because

1 the Natchez PD had gave the call to our department in
2 reference to an incident that was at the hospital, and
3 they was on -- was there when we got there.

4 Q. They had responded initially until they found
5 out it might be out in the county; is that right?

6 A. That's correct.

7 Q. And that's when they called y'all in?

8 A. Yes, sir.

9 Q. Okay. And you say you and Deputy Frank got
10 there about the same time. What did y'all do when you got
11 there?

12 A. When we got to the hospital, we met the officer
13 that was on there at that time which I think was Officer
14 Baldwin.

15 Q. Johnny Baldwin, Roosevelt --

16 A. Yes, sir.

17 Q. -- Baldwin.

18 A. Right. And I asked him what was going on, what
19 the situation they had.

20 Q. Of course, you can't testify about what he
21 said, but after you talked to him, what, if anything, did
22 you do at that time?

23 A. Then I obtained -- talked to the mother of
24 the -- the mother, a Ms. Britt.

25 Q. And you talked to her?

26 A. Yes, sir. First, initially.

27 Q. Okay. And did any other officers from the
28 sheriff's department arrive while you were talking with
29 her or subsequent thereto?

1 A. Officer Frank.

2 Q. Did anybody else? Any of the --

3 A. No, sir.

4 Q. Major Manley, did he ever come out there while
5 you were there?

6 A. No, sir.

7 Q. So you talked to Ms. Britt?

8 A. Yes, sir.

9 Q. Now, again, you can't -- well, let me ask you
10 this. Was the defendant, Mr. Havard, present when you
11 talked to her?

12 A.. Not right where we was at, but he was there at
13 the hospital.

14 Q. He couldn't hear what y'all were saying?

15 A. No, sir.

16 Q. So you can't testify about what she told you,
17 but after you talked to her, what, if anything, did you do
18 at that point in time.

19 A. At that point, I went where Mr. Havard was.

20 Q. And did you talk with him?

21 A. Yes, sir.

22 Q. What conversation did you have with him at that
23 point? At this point, he wasn't under arrest or anything,
24 was he?

25 A. No, sir. No, sir. Another officer was there.

26 Q. Who was that?

27 A. I can't recall his name at the moment.

28 Q. One of your deputies?

29 A. No, sir. It was a police officer.

1 Q. Police officer.

2 A. Yes, sir. He was sitting there with him.

3 Q. And just tell us what happened when you went
4 over there where Mr. Havard was.

5 A. I was standing there, talking to the officer in
6 reference to what was going on and given some
7 information -- he give me the information on where they
8 live and stay and this because it was in the county for
9 that purpose --

10 Q. I believe 33 Montgomery Road out in Cloverdale?

11 A. Yes, sir. That's correct.

12 Q. Okay.

13 A. All right. Then after we got through with the
14 conversation, the officer was standing there -- like I
15 said, we just stood there and just talking to the
16 gentleman sitting there.

17 Q. So you were talking with the officer when Mr.
18 Havard was present.

19 A. Right. He was just present. And then I left
20 to go over to -- by the emergency room to find out exactly
21 what was the status of what was going on.

22 Q. Okay. Did Mr. Havard say anything to you when
23 you were over there the first time when you were talking
24 to the officer?

25 A. Not at -- right at the moment. No, sir.

26 Q. So you went over to talk to who after you left
27 that conversation?

28 A. I walked back over toward the emergency room to
29 see what else was going on.

1 Q. Okay.

2 A. And then once the other officer, Frank --
3 Officer Frank was there. He talked to the people that was
4 over there. So I told him I was going to go back over
5 where Mr. Havard was for the time being because of what
6 the situation was at the time.

7 Q. What happened when you went back over there
8 where he was?

9 A. Then after -- which once we after -- not
10 determined what had happened, but actually what was going
11 on, and I told Mr. Havard that we were going to have to
12 take him to the office.

13 Q. To talk to him?

14 A. Yes, sir.

15 Q. Okay.

16 A. And he asked the question was he going to be
17 under arrest. I told him, no. He's not under arrest.
18 We're just detaining you, and in the process he said I
19 need to go home before we go down to the -- where you're
20 going to take me. And I said, well, no. You can't go
21 home at the moment. He said, "I need to go and take a
22 shower first before I go down there." I said not at this
23 time.

24 Q. He wanted to go take a shower?

25 A. Yes, sir.

26 Q. So you told him he couldn't do that at that
27 point.

28 A. So I told him he couldn't do it. I said, well,
29 we're going to take you to the office, and he got kind of

1 upset about it that we were going to take him to the
2 office and wanted to know why we was detaining him and
3 what was going on, but I just told him for now, we're just
4 going to detain you. And I, myself, and Officer Frank
5 took him to my car, and we put him in the car. Didn't
6 arrest him, but we put him in the car.

7 Q. Okay. And then who took him to the sheriff's
8 office?

9 A. I did.

10 Q. And did he say anything to you while you were
11 riding to the sheriff's office?

12 A. He kept asking the question what was going on,
13 is something wrong with the baby, or why I am being
14 detained, and he kept saying he wanted to go home to --
15 back to where he was living at.

16 Q. Did he --

17 A. I told him I couldn't take him back there.
18 I'll have to take you to the sheriff's department.

19 Q. Did he say anything else about taking a shower?

20 A. Yeah. He mentioned about the shower --

21 Q. Again?

22 A. He wanted -- because he was nasty, and he wanted
23 to clean up before he go down to the office. I said that
24 wouldn't be necessary.

25 Q. That seemed to be the most important thing on
26 his mind, taking a shower?

27 A. At that moment.

28 Q. Once you got to the station, what did you do at
29 that point?

1 A. We put him in a room where we detained him. We
2 just kept him under observation.

3 Q. Did you stay there with him, or did you do
4 something else at that point?

5 A. At that point, I went over to the other side to
6 start on the report and contact superiors in reference to
7 what was going on, what we had. Before we left --
8 actually before we left the hospital, we contacted a
9 superior to advise what steps we need to take at the
10 moment, and that's the reason why we detained him.

11 Q. Were you sent to do anything else in this
12 particular case after you had transported Mr. Havard, and
13 I think you said you were over there doing -- working on
14 your reports. Did you have anything else that you did
15 that night?

16 A. Yes, we did. I sat in on the investigation
17 with the -- Ms. Britt.

18 Q. In the interview.

19 A. Yes, sir.

20 Q. Okay.

21 A. And after --

22 Q. Who conducted that interview that you sat in
23 on?

24 A. The sheriff and John Manley.

25 Q. Okay. And what happened after that?

26 A. After that, we got permission to go to the
27 residence of the location where the incident occurred.

28 Q. That's 33 Montgomery Road.

29 A. That's correct.

1 Q. Did you go to that address yourself?

2 A. Yes, I did.

3 Q. And that was on that same evening --

4 A. Yes.

5 Q. -- or early morning hours?

6 A. Early morning hours. Correct.

7 Q. And what did you find at that address? What's
8 located there?

9 A. It was a trailer at that location.

10 BY MR. HARPER: May I approach the witness, Your
11 Honor?

12 BY THE COURT: Yes, sir.

13 BY MR. HARPER:

14 Q. I'll show you what's been marked as State's
15 Exhibit Number 3, Deputy Brown, and ask if you can
16 identify what's in that photograph.

17 A. That's the trailer that we went to that early
18 morning.

19 Q. 33 Montgomery Road.

20 A. Yes, sir.

21 Q. That's the one you went to?

22 A. Yes, sir.

23 Q. Okay, sir. And what, if anything, did you do
24 once you arrived at that trailer?

25 A. Well, first, basically it come to be somewhat of
26 a crime scene and to go in to collect evidence.

27 Q. Okay. Now, do you have any special duties that
28 you perform for the sheriff's department that some of the
29 others don't do?

1 A. That's correct.

2 Q. What would that be, Deputy Brown?

3 A. I have a background in architect engineering,
4 which is drafting. Upon approaching the scene, I took a
5 couple of pads to draw a diagram of the crime scene.

6 Q. And did you subsequently prepare a diagram of
7 the trailer?

8 A. That's correct.

9 Q. And you see on this easel here, this is what's
10 marked as State's Exhibit 1. Is that, in fact, the
11 diagram that you made of the trailer layout?

12 A. That's correct.

13 Q. Okay. And you have the dimensions on it. Would
14 it be exactly to scale or --

15 A. It is just to scale.

16 Q. Okay. Now, while y'all were at the trailer, you
17 said y'all did collect some evidence. Who was primarily
18 doing that?

19 A. Myself, Officer Frank, John Manley, and Officer
20 Coleman was there, who all was there.

21 Q. Who was taking custody of what y'all --

22 A. Officer Manley basically.

23 Q. Okay. So he would have been the one that
24 handled whatever y'all collected there?

25 A. That's correct.

26 Q. Okay, sir. Now, you testified involving one
27 Jeffrey Havard, Jeffrey Keith Havard. Is he present in
28 the courtroom today, the person that you talked about?

29 A. That's correct. He is.

1 Q. Would you point him out and describe what he's
2 wearing for me, please, Deputy Brown.

3 A. Wearing a blue suit.

4 BY MR. HARPER: Your Honor, we'd ask that the
5 record reflect that the witness has identified the
6 defendant, Jeffrey Keith Havard.

7 BY THE COURT: Let the record so reflect.

8 BY MR. HARPER: The Court will indulge me just a
9 moment.

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

11 BY MR. HARPER: We'll tender this witness at
12 this time, Your Honor.

13 BY THE COURT: Cross-examination.

14 CROSS-EXAMINATION

15 BY MR. SERMOS:

16 Q. Yes. Deputy, you made that -- you went to that
17 scene at 33 Montgomery Road; is that right?

18 A. That's correct.

19 Q. Did you take any photographs there?

20 A. I didn't.

21 Q. All right. When you drew this to scale, is that
22 based on information you personally gathered when you went
23 throughout that mobile home.

24 A. That's correct.

25 Q. And when you were there doing this, did you do
26 any, shall we say, collecting evidence or searching around
27 yourself?

28 A. I assisted.

29 Q. You assisted. All right. Did you yourself --

1 did you look for any particular items? In other words,
2 did anybody tell you to look for any particular items?

3 A. Basically at the crime scene, it's whatever is
4 obvious. I'll put it that way. A lot of things that they
5 look for due to circumstances.

6 Q. Do you remember going in the bathroom at the far
7 end of the trailer which would be on the right as you face
8 that diagram? Do you remember going through the bathroom.

9 A. I went in the whole part of the house.

10 Q. Okay. Did you ever make a determination if
11 anybody in that bathroom had ever taken a bath in the
12 previous few hours?

13 A. No, I didn't.

14 Q. And also you said that Mr. Havard asked about
15 wanting to go home and take a shower. He didn't get to go
16 take a shower, did he?

17 A. No, sir. He didn't.

18 Q. Thank you.

19 BY MR. SERMOS: Nothing further, Your Honor.

20 BY THE COURT: Any redirect?

21 BY MR. HARPER: None, Your Honor.

22 BY THE COURT: You may step down.

23 (witness steps down.)

24 BY MR. HARPER: Your Honor, we'd ask that this
25 witness be released.

26 BY THE COURT: He'll be released on the
27 subpoena. All right. Who does the State call as
28 your next witness.

29 BY MR. HARPER: Call Deputy Buddy Frank, Your

1 Honor.

2 BY THE COURT: Deputy Buddy Frank.

3 BUDDY FRANK,

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

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

7 BY THE COURT: Yes, sir.

8 DIRECT EXAMINATION

9 BY MR. HARPER:

10 Q. Would you state your name for the record,
11 please, sir.

12 A. Buddy Frank.

13 Q. And, Deputy Frank, with whom are you employed,
14 sir?

15 A. Adams County Sheriff office.

16 Q. How long have you worked at the sheriff office,
17 Deputy?

18 A. Since the '98.

19 Q. Okay, sir. And in what capacity are you
20 employed there?

21 A. I'm deputy sheriff.

22 Q. Now, I want to direct your attention, Deputy
23 Frank, back to the evening of February 21 of 2002, and ask
24 if you had occasion to be working on that night, on that
25 evening.

26 A. I did.

27 Q. And what type of work were you doing?

28 A. I was on patrol work that night.

29 Q. Would ask whether or not you received a call or

1 report concerning an incident involving a child at the
2 hospital on that particular evening.

3 A. That's correct.

4 Q. Do you recall where you were when you received
5 that report?

6 A. I really don't recall.

7 Q. Were you in the car --

8 A. I was in my car, but I don't recall what part
9 of the county.

10 Q. Okay, sir. And where was the report indicating
11 that this child was?

12 A. At Community Hospital.

13 Q. And what, if anything, did you do after you
14 received the call?

15 A. I went to the call, myself and Deputy Brown and
16 once --

17 Q. When you say you went with him, were y'all in
18 the same car?

19 A. No, we weren't. No, we weren't.

20 Q. But you responded?

21 A. Right. I responded along with Deputy Ray
22 Brown.

23 Q. And do you recall which one, if either one of
24 you, got there first, or did both of you get there --

25 A. We both got -- if I recall right, we got there
26 about the same time.

27 Q. Okay. And what, if anything, did you find when
28 you got there?

29 A. Found Officer Johnny Baldwin. He was the PD

1 officer that they told us to contact at Natchez Community,
2 and once we got there, he explained --

3 Q. You can't testify about what he told you --

4 A. Okay.

5 Q. He told you what the situation was?

6 A. Right. He gave me a run down on what the
7 situation was at the time.

8 Q. What, if anything, did you do after you talked
9 with him?

10 A. I don't understand.

11 Q. After you talked with him, did you do anything
12 in regard to this investigation?

13 A. Sure.

14 Q. Okay.

15 A. I mean, once we talked with him, we went inside
16 and found out who the mother was. We found out -- you
17 know -- where everybody lived and to that matter, and then
18 when the doctors came out and advised us that the baby was
19 dead, then we took the -- Jeffrey Britt into -- we just
20 detained him for questioning because --

21 Q. You said Jeffrey Britt. You mean Jeffrey
22 Havard.

23 A. Jeffrey Havard. I am sorry. We detained him
24 because he was supposed to have been alone with the baby
25 last.

26 Q. Did you see Mr. Havard at the hospital when you
27 got --

28 A. Yes. He was in the waiting room.

29 Q. Did you have occasion to talk with him at the

1 hospital?

2 A. We didn't really talk to him at the hospital.
3 Once we found out that the baby had deceased, we detained
4 him immediately.

5 Q. What, if anything, did you do at the hospital,
6 if anything, at that point in time?

7 A. After we had detained him?

8 Q. Right.

9 A. I contacted Major Manley and made sure the
10 coroner was on the way. Once the coroner got there, we
11 took photos of the baby and -- (pause)

12 Q. You assisted in taking those photos at the --

13 A. Right. Correct.

14 Q. -- hospital. Okay. Mr. Havard, you said he had
15 been detained. Did y'all detain him at the hospital?

16 A. Yes. We detained him at the hospital. Deputy
17 Ray Brown brought him back to the sheriff's office.

18 Q. Where were you when Deputy Brown brought him
19 back to the sheriff's office?

20 A. I stayed at the hospital.

21 Q. Did any other officers arrive out there after
22 you --

23 A. Major Manley arrived out there. Sheriff Ferrell
24 arrived out there.

25 Q. Okay. Did you do anything else out there other
26 than just basically secure --

27 A. I secured the scene and just helped take
28 photos.

29 Q. Okay. And you took photographs --

1 A. Right. I took Polaroids of the baby. The 35's
2 and all that stuff was taken by Major Manley.

3 Q. Now, after you had completed what you did at the
4 hospital, what, if anything, did you do at that point in
5 time?

6 A. We went back to the sheriff's office, and I got
7 back to the sheriff's office, and the sheriff advised us
8 to remove the clothing off of Mr. Havard, which we did.
9 Myself and Deputy Coleman and Deputy Brown and secured it
10 for evidence, and myself and Major Manley questioned Mr.
11 Havard just to kind of get a brief overview of the events
12 that taken place that night in his words and --

13 Q. Okay. Now, when you talked to him, first of
14 all, did -- just tell me how that went down. What did
15 y'all do at that point in time?

16 A. We took him into the office, and we read him his
17 Miranda rights, and if I'm not mistaken, the next thing we
18 did was we got a consent to search of his trailer which
19 was at 33 Montgomery Road.

20 Q. When you say you read him his Miranda rights,
21 would you tell me what you mean by that?

22 A. Miranda rights. That's the -- what I know as
23 what you got in your hand. What it is we read them their
24 rights. You have a right to remain silent. Anything you
25 say can and will be -- all the way down, and then you have
26 a waiver of your rights at the end. You know, if you wish
27 to talk right now, you can. You know, if you don't, you
28 don't have to. It's entirely up to you.

29 BY MR. HARPER: May I approach the witness, Your

1 Honor?

2 BY THE COURT: Yes, you may.

3 BY MR. HARPER:

4 Q. I hand you a copy of a document and ask if
5 you'll look at that and tell me whether or not you can
6 identify that, please, sir.

7 A. That's your Miranda rights.

8 Q. And is that a particular Miranda right? It's a
9 form?

10 A. Right. Right.

11 Q. It's got some writing --

12 A. Right. It's signed by Jeffrey Havard. That's
13 the form we read to him that night.

14 Q. Did he, in fact, sign he understood it?

15 A. Yes, sir. He did.

16 Q. And signed that he would waive it and talk to
17 you?

18 A. Yes, sir.

19 Q. Who, if anyone, else signed that form?

20 A. Major John Manley.

21 Q. Who else?

22 A. Jeffrey Havard, myself, and Major John Manley.

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

25 BY THE COURT: Any objection?

26 BY MR. SERMOS: I just want to see what he's
27 exactly holding there. We've got copies.

28 (Mr. Sermos reviews document.)

29 BY MR. SERMOS: No objection.

1 BY THE COURT: The Court will allow the waiver
2 of rights to be introduced as Exhibit 16 in this
3 case.

4 DOCUMENT MARKED AS STATE'S EXHIBIT 16

5 BY MR. HARPER: May I approach again, Your
6 Honor?

7 BY THE COURT: Yes, sir.

8 BY MR. HARPER:

9 Q. I'm now going to hand you what's been marked as
10 State's Exhibit 16 and ask again, if you'll identify that
11 for me, please, sir.

12 A. It's interrogation. It's advice of rights.

13 Q. Okay.

14 A. It's the rights that you have.

15 Q. Would you tell me when you talked to Mr. Havard
16 that night exactly what you did with that form. How do
17 y'all go about doing that?

18 A. We lay the form on the table, and then we'll
19 read it to him. We'll read the first part, and we'll ask
20 him do you understand your rights, and they'll -- do you
21 have any questions. They'll ask. He didn't have any
22 questions. So we read the bottom half of it.

23 Q. That says what?

24 A. That's the waiver --

25 Q. Read the top half for us.

26 A. The top half says, "Before we ask you any
27 questions, you must understand your rights. You have the
28 right to remain silent. Anything you say can be used
29 against you in court. You have the right to talk to a