

1 IN THE JUSTICE COURT OF ADAMS COUNTY, MISSISSIPPI

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3 STATE OF MISSISSIPPI

4

5 VERSUS

CIRCUIT CAUSE NO. 02-KR-0141

6

7 JEFFERY HAVARD

DEFENDANT

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10 TRANSCRIPT OF THE PROCEEDINGS HAD AND DONE IN A  
11 PRELIMINARY HEARING IN THE ABOVE STYLED AND NUMBERED CAUSE  
12 BEFORE THE HONORABLE DANIEL BARBER, JUDGE OF THE COURT  
13 AFORESAID, SOLE PRESIDING, ON THE 21ST DAY OF MAY, 2002 IN  
14 THE CIRCUIT COURTROOM OF THE ADAMS COUNTY, MISSISSIPPI  
15 JUSTICE COURTHOUSE.

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18 APPEARANCES:

19 Present and Representing the State:

20 HONORABLE BARRETT MARTIN  
21 County Prosecutor  
22 P. O. Box 1603  
Natchez, MS 39120

23 Present and Representing the Defendant:

24 HONORABLE ROBERT CLARK  
25 Attorney at Law  
26 P. O. Box 888  
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1 BY MR. MARTIN: Your Honor, we ask you  
2 to call cases of Jeffery Havard. He is before the  
3 Court on a charge of capital murder, felonious  
4 escape, and -- attempting to escape, and felonious  
5 destruction of county property. We announce ready.

6 BY THE COURT: Are we going to do this  
7 separately or both the same?

8 BY MR. MARTIN: This capital murder will be  
9 separate from the other two charges, Your Honor.

10 BY THE COURT: You ready?

11 BY MR. MARTIN: Yes, sir.

12 BY THE COURT: Swear the witness in.

13 DEPUTY JOHN MANLEY,  
14 having been duly and legally sworn, answered  
15 questions on his oath as follows, to-wit:

16 BY MR. MARTIN: Your Honor, we call Major John  
17 Manley.

18 BY MR. CLARK: Your Honor, we ask that the rule  
19 be invoked.

20 BY MR. MARTIN: Nobody is going to testify on  
21 behalf of the State today other than that.

22 BY MR. CLARK: I don't know if there are any  
23 potential state witnesses, victim's family members or  
24 something like that.

25 BY MR. MARTIN: I don't know.

26 BY THE COURT: Are there any possible witnesses  
27 that might testify later, maybe in Circuit Court?

28 BY MR. HARPER: The coroner.

29 BY THE COURT: The coroner.

1 BY MR. HARPER: A few of them in here. Ms.  
2 Goodwin here may be called as a witness.

3 BY A SPECTATOR: Let me ask you something else.  
4 Why was this case brought --

5 BY MR. MARTIN: Sir, sir. We can't go into  
6 that.

7 BY A SPECTATOR: Okay.

8 BY MR. MARTIN: Thank you for asking, but we  
9 can't go into that. We're just here as to whether or  
10 not somebody is a potential witness for perhaps  
11 Circuit Court is the reason we're asking. Deputy  
12 Coleman is out. He was the investigating officer  
13 and, of course, the coroner who was investigating in  
14 this, too. I assume Mr. Harper will be able to stay  
15 in the room. That's all I know of, Robert.

16 BY MR. CLARK: Okay.

17 BY MR. MARTIN: Ready, Your Honor?

18 BY THE COURT: You may proceed.

19 DIRECT EXAMINATION

20 BY MR. MARTIN:

21 Q. State your name, please.

22 A. John Manley.

23 Q. And, of course, your title is Major. You hold  
24 the rank of Major?

25 A. Yes, sir. I do.

26 Q. With the Adams County Sheriff's Department.

27 A. Yes, sir.

28 Q. As a supervisory officer?

29 A. Yes, sir.

1 Q. Were you involved along with the Adams County  
2 Sheriff's Department in the investigation of the death of  
3 a child, Chloe Madison Britt, age six months?

4 A. Yes, sir. I was.

5 Q. Did that occur on or about the 21st day of  
6 February of this year?

7 A. Yes, sir.

8 Q. Did it occur in Adams County, Mississippi?

9 A. Yes, sir.

10 Q. What was the first report the sheriff's  
11 department got concerning the welfare of this child?

12 A. Sheriff's office was notified that night at  
13 approximately 10:30 p.m. by the Natchez Community Hospital  
14 that a baby had been brought in, and they suspected  
15 possible sexual abuse of the baby.

16 Q. Did the sheriff's department respond to this  
17 call?

18 A. Yes, sir. Deputy Buddy Frank responded along  
19 with Deputy Ray Brown.

20 Q. And did they go to Natchez Community Hospital,  
21 and did they contact any of the medical providers there?

22 A. Yes, sir. They did.

23 Q. And do you recall which doctors that they spoke  
24 with?

25 A. Dr. Larry Patterson was the emergency room  
26 physician on duty. Also present was Dr. Cadle. I've  
27 forgotten her first name. And also present was Dr. Dar.  
28 D-a-r.

29 Q. Okay. And are each of these doctors -- of

1 course, Dr. Patterson is the emergency room physician?

2 A. That's correct.

3 Q. Do you know if either of the other doctors have  
4 specialties such as emergency room physician or  
5 pediatrician?

6 A. Dr. Dar was the baby's pediatrician.

7 Q. Pediatrician.

8 A. Right.

9 Q. And Dr. Cadle was the other one?

10 A. Dr. Cadle was -- I believe she was just in the  
11 hospital at that time if I remember correctly.

12 Q. And upon making contact with either or all of  
13 these physicians and all, what report was initially made  
14 to the sheriff's department as to the medical findings  
15 about this child, Chloe?

16 A. The child had been brought to the hospital --  
17 excuse me -- by the mother, Rebecca Britt, and her  
18 boyfriend, Jeffery Havard.

19 Q. Who is the defendant?

20 A. That's correct. When the baby was brought in,  
21 the baby was not breathing. The baby was taken into the  
22 emergency room and was resuscitated. At a later point in  
23 time, Deputy Frank called me and advised me of what the  
24 situation was, and I responded to the emergency room.  
25 When I had responded, the baby had just died. And I spoke  
26 with Dr. Patterson, Dr. Dar and also Dr. Cadle. I  
27 observed the baby. It was in a trauma room. The baby was  
28 laying on its back. It was wearing a diaper and had a  
29 blanket covering the baby, and it had life support tubes

1 and all that that was attached to the baby.

2 Q. This was a female child, approximately six  
3 months of age?

4 A. That's correct.

5 Q. Caucasian.

6 A. Yes, sir.

7 Q. And you made an observation of this little  
8 baby --

9 A. Yes, I did.

10 Q. -- at that time. It must be a terribly  
11 distressing part of your work today. When you conversed  
12 with the doctors as to a likely cause of death -- or did  
13 you have that conversation with the doctors?

14 A. Yes. I had conversation with all three doctors,  
15 mainly Dr. Patterson.

16 Q. But the other physicians were present --

17 A. Yes, sir.

18 Q. -- when you had this conversation?

19 A. Yes, sir.

20 Q. Did the doctors concur as to the likely cause of  
21 death at that time?

22 A. Yes, sir. They did.

23 Q. And what was the likely cause of death?

24 A. The likely cause was subdural hemorrhage,  
25 commonly known as shaken baby syndrome.

26 Q. And is this -- would you tell the Court whether  
27 or not the doctors described this as a trauma-related  
28 injury?

29 A. That's correct. Yes, sir, it is.

1 Q. And from this statement made by the physicians,  
2 were there any further steps required of examining Chloe's  
3 body?

4 A. Yes, sir. As I say, Dr. Patterson and the other  
5 two attendant physicians suspected possible child or  
6 sexual abuse. The diaper was removed, and I observed the  
7 anus that was extended -- according to Dr. Patterson, it  
8 was extended to the size of a quarter. It was extensive.  
9 And there was also a tear in the upper lip. Also observed  
10 what appeared to be bruises on the forehead, bruises on  
11 the leg area, and there was a drainage coming from the  
12 nose.

13 Q. Well, now, was the drainage from the nose  
14 consistent with the subdural hematoma?

15 A. Yes, sir.

16 Q. The shaken baby syndrome. With regards to  
17 the --

18 BY MR. CLARK: I object to that, Your Honor. I  
19 don't believe this witness is qualified --

20 BY MR. MARTIN: I withdraw the question. I  
21 withdraw the question. The objection is proper.

22 BY MR. MARTIN:

23 Q. Did you -- of course, you made an observation  
24 of the baby without her diaper on.

25 A. That's correct.

26 Q. And you described that there was the appearance  
27 of her rectum at that time?

28 A. Yes, sir.

29 Q. Were you able to note just on your observation

1 whether or not there were any fissures or tears to the  
2 rectum?

3 A. Yes, sir. As a layman, I could observe that  
4 there was a tear or an injury to the rectum.

5 Q. Would you tell the Court just looking at it from  
6 a layman's point of view, did it appear to be fresh to  
7 you?

8 A. Yes, sir.

9 Q. It did? Did you inquire of the doctors of their  
10 opinion of these fissures or the tearing of the rectum?

11 A. Yes, sir. They stated that something would have  
12 had to have been inserted.

13 Q. Okay. An object of some sort would have to be  
14 inserted?

15 A. Yes, sir.

16 Q. In order to cause this?

17 A. Yes, sir.

18 Q. Did you on behalf of the sheriff's department or  
19 did the coroner request an autopsy be performed on the  
20 body of Chloe Madison Britt?

21 A. Well, the coroner was called to the scene, and  
22 we requested an autopsy be performed.

23 Q. Has an autopsy been performed to your  
24 information?

25 A. Yes, sir. It has.

26 Q. Do you know the results of that autopsy?

27 A. Yes, sir. The cause of death was shown to be  
28 shaken baby syndrome and also refers to a tear in the  
29 anus, and I believe it refers to a tear in the lip.

1 Q. Okay. Tear in the lip also. Now, once you went  
2 through this horrific set of the facts and circumstances  
3 and all, what was the next procedure or step that the  
4 sheriff's department took?


5 A. Well, as we got involved into the investigation  
6 and we believed that a sexual assault may have occurred,  
7 we had -- I instructed Deputy Ray Brown to bring Jeffery  
8 Havard to the office for questioning, and we also brought  
9 the mother down for questioning.

10 Q. And did either or both of these individuals  
11 voluntary give statements to the sheriff's department?

12 A. Yes, sir. We got a statement from Rebecca that  
13 night, and we got a verbal statement from the defendant  
14 that night.

15 Q. Can you give the Court the gist of the statement  
16 that you got from the mother, Rebecca, please.

17 A. Rebecca stated that she had picked the baby up  
18 from the Grace United Methodist Church, the daycare  
19 center, I believe, at approximately 5:30, maybe 6:00 p.m.  
20 She went from there to her residence at 33 Cloverdale  
21 Road. When she got there, there was no one there other  
22 than herself, the baby, and Jeffery Havard. She stated  
23 that about 7:30 or so, Jeffery gave her some money, and  
24 she went to the grocery store at which time she purchased  
25 a few groceries and left the baby with Jeffery. She  
26 stated that she came back, Jeffery asked her about some  
27 DVD's that she was supposed to have got, and she went to  
28 Blockbuster Video to get the DVD's. She states she got  
29 back from the grocery store somewhere around 8:30 p.m. and



1 left shortly thereafter and went to the Blockbuster store.

2 Q. Did she state during that time period that she  
3 was home from the grocery store as to whether or not she  
4 checked on Chloe?

5 A. At that time, Chloe was fine. Yeah. She went  
6 into the bedroom and she was asleep.

7 Q. And so she then left. And what was the reason  
8 why she left again?

9 A. Jeffery asked her about some DVD's that she was  
10 supposed to have picked up from Blockbuster Video, and she  
11 went to the store to get the DVD's.

12 Q. And do you know whether or not the sheriff's  
13 department is in possession of any information that would  
14 lead you or perhaps the Court to believe that she did, in  
15 fact, go to Blockbuster to purchase DVD's or to rent  
16 DVD's?

17 A. Yes, sir. We talked to an employee who was  
18 working that night. He verified that she was there around  
19 nine p.m. We also have a video tape of her in the store  
20 at about that time.

21 Q. From a security camera?

22 A. Yes, sir.

23 Q. And so she had gone to get the DVD's. What did  
24 she tell you happened next?

25 A. She returned home. She went to the residence.  
26 She stated that Jeffery was in the bathroom. She knocked  
27 on the door to let him know that she was home. She went  
28 in to check on the baby. The baby was blue and not  
29 breathing.

1 Q. What did she do?

2 A. At that point, she attempted to give the baby  
3 CPR. She hollered at Jeffery. Jeffery came out. They  
4 got the baby and went to the hospital.

5 Q. Natchez Community Hospital?

6 A. Yes, sir.

7 Q. And did -- with regards to the baby's condition  
8 at the time that Rebecca picked the baby up at the daycare  
9 facility and all, did the sheriff's department receive any  
10 information from the personnel of the daycare center as to  
11 whether or not the baby was in good shape then or had had  
12 her diaper changed before she left?

13 A. Yes, sir. We talked to three of the employees  
14 at the daycare center. They all stated that the baby was  
15 in good health. The baby's diaper had been changed  
16 several times that day, and there was nothing wrong with  
17 the baby at that time.

18 Q. Major Manley, I'll come back to your personal  
19 observations that you made at the hospital involving a  
20 potential sexual assault on this child and all. Was this  
21 obvious to you? You said --

22 A. Yes, sir. It was obvious to me that something  
23 had been done to the baby.

24 Q. Okay. And if someone were to be changing this  
25 baby's diapers and she was in the same condition as you  
26 saw her at that time, would you think that a normal person  
27 with average eyesight would be able to see that also?

28 A. Yes, sir. If I could see it, anyone could see  
29 it.

1 Q. And so after having picked Chloe up from the  
2 daycare facilities and all, did the mother Rebecca ever  
3 tell the sheriff's department whether or not she changed  
4 the diapers again before leaving for the grocery store?

5 A. No, she did not.

6 Q. Okay. And but that returning from the grocery  
7 store, Chloe appeared to be fine?

8 A. That's correct.

9 Q. Okay. Now, did -- and I have already asked you  
10 this. You've already responded. Mr. Havard also made a  
11 statement to you; is that correct?

12 A. He gave us a verbal statement that night. Yes,  
13 sir.

14 Q. Would you tell the Court what that statement  
15 consisted of, please.

16 A. He told us that he had slept the biggest part of  
17 that day, and that he got up around six. Rebecca and the  
18 baby came to the house. They were there for a period of  
19 time. The baby was in the swing which was in the living  
20 room. He gave Rebecca some money to go to the grocery  
21 store, and she left. He said that the baby started  
22 crying. He picked the baby up, went into his bedroom.  
23 Was going to change the diaper, thinking that the baby was  
24 dirty. He said that the baby spit up, had vomited on the  
25 linen on the bed. At that point, he gave her a bath,  
26 thinking that would calm her down. Gave her a bath. Put  
27 a diaper back on her, put her into the crib in her  
28 bedroom, and the baby went to sleep. And he states that  
29 Rebecca came back. He asked her about the DVD's. She

1 went to the store to get the DVD's, and when he -- when  
2 she returned, he was in the bathroom, and then he heard  
3 Rebecca screaming that the baby wasn't breathing and the  
4 baby was blue. He said that Rebecca shook the baby trying  
5 to get the baby to breath and that she gave the baby CPR  
6 and they loaded up and went to the hospital.

7 Q. Did he describe to you what he said that  
8 Rebecca -- the manner in which she shook the baby?

9 A. No. He just stated that she just shook the  
10 baby to get the baby breathing.

11 Q. But he said that he had bathed this child before  
12 Rebecca returned from the grocery store?

13 A. That's correct.

14 Q. And before she went back to get the DVD's?

15 A. That's correct.

16 Q. Now, was there anything else about the statement  
17 that you recall?

18 A. Not on the verbal statement. No, sir.

19 Q. Okay. Now, did the defendant later get in touch  
20 with you and indicate that he wanted to make a further  
21 statement?

22 A. Yes, sir. He contacted me on Sunday, Sunday  
23 afternoon. Sent word down by a jailer that he wanted to  
24 talk to myself and Deputy Frank Smith.

25 Q. And did y'all have a conversation with him?

26 A. Yes, sir. We did.

27 Q. At the sheriff's department?

28 A. Yes, sir.

29 Q. Before he made this second statement to you, did

1 you have him execute a waiver of rights?

2 A. Yes, sir. We read him the Miranda rights, and  
3 he signed the waiver stating he understood his rights.

4 Q. Did he then make another statement to you and  
5 Deputy Smith?

6 A. Yes, sir. He did.

7 Q. And was that statement oral and written?

8 A. It was written, and we also have a videotaped  
9 statement.

10 Q. Would you tell the Court what you recall about  
11 this statement, please?

12 A. He told us that he wanted to talk with us. That  
13 he had not told us the complete truth the first time that  
14 we had talked with him. Said that he was scared. He  
15 stated that when Rebecca left to go to the grocery store,  
16 that the baby was in the swing. The baby had started  
17 crying. That he had taken the baby into his bedroom and  
18 was going to change the diaper. The baby spit up. He  
19 gave the baby a bath, and when he was reaching down to get  
20 the baby out of the bathtub -- I'm talking about an infant  
21 tub -- when he reached to pick her up, he dropped the  
22 baby. The baby hit the toilet. He said that the baby  
23 lost its breath, and he shook the baby, and he  
24 demonstrated to us he shook it. He shook it back and  
25 forth like this in an attempt to get the baby to breathe  
26 again. He said the baby started breathing. He changed  
27 the baby, rubbed her down with some lotion and put her  
28 into her crib, and the baby went to sleep.

29 Q. Did he state during this time period that he



1 Q. -- as a matter of fact what happened. Now, has  
2 Rebecca Britt ever acknowledged to you or anybody at the  
3 sheriff's department that she ever picked the baby up or  
4 shook the baby?

5 A. No, sir.

6 Q. Do you have any reason other than the  
7 defendant's statement to believe that she, in fact, did  
8 that?

9 A. No.

10 Q. Okay. Do you have any reason to believe that  
11 anyone in the world other than the defendant, Mr. Havard,  
12 was the one who took this six-month-old little girl and  
13 shook her to the point of causing her to have shaken baby  
14 syndrome?

15 A. No, sir.

16 BY MR. CLARK: I object to that. He's not  
17 qualified to answer that.

18 BY MR. MARTIN: I just said does he have any  
19 reason to believe anybody else did this other than  
20 the defendant, Mr. Havard?

21 BY MR. CLARK: Certainly has to be at this  
22 point, Your Honor. I mean, it's a circumstantial  
23 case. It's not a direct evidence case.

24 BY THE COURT: Sustained. Go ahead and answer.

25 A. No. I have asked both Jeffery and Rebecca.  
26 They all state that there was no one else there except  
27 him, her, and the baby, and they all state that he was the  
28 only one there when this occurred.

29 Q. Did you question the defendant regarding the

1 sexual assault that occurred in this child?

2 A. I did.

3 Q. What was his response?

4 A. He denies it.

5 Q. Did you question him along the lines of whether  
6 or not there would be any DNA evidence secured from the  
7 body of the child that might point the finger at him?

8 A. I did.

9 Q. What was his response?

10 A. He told me he wasn't worried about DNA.

11 Q. At all?

12 A. Not at all.

13 Q. Has the sheriff's department been able to  
14 determine what object was inserted in this poor child's  
15 rectum?

16 A. No, sir.

17 Q. That could have caused those type injuries?

18 A. I am sorry?

19 Q. That could have caused those type injuries?

20 A. I don't know for sure, no.

21 BY MR. MARTIN: I tender the witness, Your  
22 Honor.

23 BY THE COURT: Mr. Clark.

24 CROSS-EXAMINATION

25 BY MR. CLARK:

26 Q. Deputy Manley, was there, in fact, DNA evidence  
27 taken from the baby's body?

28 A. There was blood that was taken from the body.  
29 The medical examiner did a sexual assault kit on her.

1 Q. It didn't show anything, did it, as far as any  
2 connection with Mr. Havard?

3 A. There's no DNA.

4 Q. That's right. Just like he had told you when he  
5 told you he didn't care because he knew there wasn't any  
6 DNA?

7 A. He told me he wasn't worried about the DNA.

8 Q. Right. In fact, it didn't show that he did it?

9 A. There was no DNA present.

10 Q. Who else have you talked to concerning the  
11 medical -- that you testified to here today?

12 A. It would be --

13 Q. Besides the three doctors that you mentioned.

14 A. The three doctors and we have the autopsy report  
15 from Dr. Hayne, State Medical Examiner.

16 Q. Dr. Haynes?

17 A. Uh-hum.

18 Q. H-a-y-n-e-s?

19 A. H-a-y-n-e.

20 Q. All right. Is this report available?

21 A. There's an autopsy report. Yes, sir.

22 BY MR. CLARK: I'd ask that that be available.

23 Mr. Harper had told me that he would make that  
24 available to me when it was gotten, but I just got it  
25 today.

26 BY MR. HARPER: I make it available at the  
27 appropriate time, Your Honor.

28 BY MR. CLARK: Well, I mean I asked for it as  
29 soon as you got it, but I though we had an agreement

1 that was going to be done.

2 BY MR. MARTIN: In any case, Mr. Harper is  
3 really not involved in this hearing, Your Honor.  
4 He's a spectator here. It's coming through my office  
5 right now, and I have supplied Mr. Clark today with  
6 my copy of the file.

7 BY THE COURT: Whether it's in there or not, I  
8 don't know.

9 BY MR. CLARK: I don't either.

10 BY THE COURT: If you gave him your copy, that's  
11 all you need for right now.

12 BY MR. CLARK: Could I ask, Your Honor, for  
13 just a ten-minute break, and let me run through this  
14 real quick then. Find the autopsy report so I can  
15 get my questions?

16 BY THE COURT: Do you have any objections?

17 BY MR. MARTIN: No.

18 BY THE COURT: Let's take a short recess.

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

21 BY THE COURT: Mr. Clark, are you ready to  
22 proceed?

23 BY MR. CLARK: Yes, sir.

24 BY MR. CLARK:

25 Q. Do you have a copy of this?

26 A. Yes.

27 BY MR. CLARK: I wanted to ask some questions  
28 concerning the injured areas of the diagrams on  
29 the --

1 BY MR. MARTIN: If you want to take them up to  
2 the witness and ask him, that's fine.

3 (Mr. Harper and Mr. Martin confer.)

4 BY MR. MARTIN: You understand asking him about  
5 medical questions?

6 BY MR. CLARK: Well, certainly. I was just  
7 going to ask him about what the diagram shows.  
8 May I approach the witness, Your Honor?

9 BY THE COURT: Yes, sir.

10 BY MR. CLARK:

11 Q. I am going to show you this and ask you to  
12 identify that.

13 A. That's a photo of a brain or a sketch.

14 Q. I am sorry?

15 A. A sketch of a brain.

16 Q. Okay. And who was that prepared by?

17 A. I'm assuming it's Dr. Hayne.

18 Q. All right. Dr. Hayne when he was doing the  
19 autopsy?

20 A. Yes.

21 Q. Now, what exactly are those diagrams purport to  
22 show?

23 A. I can't read this writing.

24 Q. Can you read what's at the top of the page? Is  
25 it not pictures of the brain?

26 A. It says brain superior, inferior, and lateral  
27 reviews.

28 Q. I believe that shows a diagram of where the  
29 baby's brain was injured. The contusions were the -- were

1 that you testified to earlier. Would you disagree with  
2 that?

3 BY MR. MARTIN: I am sorry, Robert. I couldn't  
4 hear you.

5 BY MR. CLARK: I think that's -- he had  
6 testified the baby had some contusions, and that's a  
7 diagram of those contusions as shown by the autopsy.

8 BY MR. MARTIN: Let me look at this.  
9 (Mr. Martin reviews document and attorneys discuss  
10 document.)

11 BY MR. CLARK: All right. You want to  
12 stipulate -- just stipulate --

13 BY MR. MARTIN: Well, we're actually not going  
14 to need to put that into evidence --

15 BY MR. CLARK: All right.

16 BY MR. MARTIN: -- but I don't know if the  
17 defense is trying to --

18 BY MR. CLARK:

19 Q. So your testimony is you don't know what that  
20 shows?

21 A. I can't read his handwriting. No.

22 Q. Okay.

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

24 BY THE COURT: Anything else?

25 BY MR. MARTIN: No, sir.

26 BY THE COURT: You may step down.

27 (Witness steps down.)

28 BY MR. MARTIN: The State rests, Your Honor. We  
29 withdraw its discharge.