

IN THE CIRCUIT COURT OF ADAMS COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

RECEIVED  
AND FILED

VS.

DEC 19 2002

NO. 02-KR-0141 - J

JEFFREY KEITH HAVARD

M.L. VINES, CIRCUIT CLERK  
BY  D.C.

DEFENDANT

SENTENCE OF DEATH UPON JURY VERDICT


This cause came on for a jury trial on December 16-19, 2002, on an indictment against the defendant charging capital murder, for the murder of a six month old infant child, while in the commission of the crime of sexual battery. The defendant was represented by counsel, the Hon. Robert Clark and the Hon. Gus Sermos. Both sides announced ready for trial.

An order for a special venire was entered by the Court. The defendant waived personal service of the juror summons by the Sheriff, and specially requested that the summons be sent out by mail, as is the normal process for juror summons. The reason given by the defendant for this was to avoid questions and inquiries by jurors to Sheriff's deputies, upon being personally served. A sufficient number of jurors responded to the summons. A jury of twelve citizens of Adams County was duly selected, impaneled and sworn. The were immediately sequestered, and remained sequestered throughout the entire trial.

Each side was allowed to present their respective cases, subject to cross-examination, objections and motions. The court instructed the jury on the law and allowed closing arguments, after each side finally rested. The jury retired to the jury room to deliberate and thereafter did return into open court on December 18, 2002, the following verdict: "we the jury, find the defendant guilty of capital murder." The court did thereafter, on its own initiative, cause the jury to be polled, and receiving an affirmative response from each of the twelve jurors, did enter the verdict as the unanimous verdict of the jury.

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DEC 19 2002

M.L. VINES, CIRCUIT CLERK  
BY  D.C.  
DEPUTY CLERK

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Following an extensive recess, the Court proceeded with the sentencing phase of the trial. Each side was allowed to present their respective cases, subject to cross-examination, objections and motions. The court instructed the jury on the law and allowed closing arguments, after each side finally rested. The jury retired to the jury room to deliberate on the sentencing phase. The Court allowed the jury to retire to their hotel rooms after it received a note from them that they were tired, and requesting such action.

The jury continued with their deliberations the following morning of December 19, 2002, and thereafter did return into open court the following verdict:

“We, the jury unanimously find from the evidence beyond a reasonable doubt that the following facts existed at the time of the commission of the capital murder:

A. 1. That the defendant actually killed Chloe Madison Britt.

Next, we the jury, unanimously find that the aggravating circumstances of:

2. That the capital offense was committed while the defendant was engaged in the commission of, or an attempt to commit, sexual battery.

3. That the capital offense was especially heinous, atrocious or cruel.

exist beyond a reasonable doubt and are sufficient to impose the death penalty and that there are insufficient mitigating circumstances to out weigh the aggravating circumstances, and we further find unanimously that the defendant should suffer death.

(s) Cynthia Etheridge  
Foreman of the Jury

The court did thereafter, on its own initiative, cause the jury to be polled, and receiving an affirmative response from each of the twelve jurors, did enter the verdict of death as the unanimous verdict of the jury. The court gave the defendant an opportunity to make any statement that he cared to prior to sentencing. The court sentenced the defendant to be put do death by lethal injection.

SO ORDERED, this the 19th day of December, 2002.

  
FORREST A. JOHNSON  
CIRCUIT JUDGE

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