

AFFIDAVIT OF MARY LYNNE A. UNDERWOOD

STATE OF MISSISSIPPI

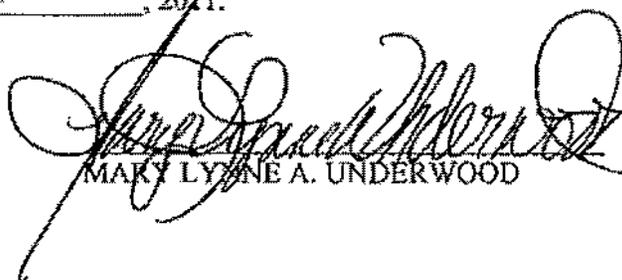
COUNTY OF Hinds

I, the undersigned, Mary Lynne A. Underwood, being over the age of twenty-one (21) years, and competent to testify to the matters set forth herein, do hereby state the following:

1. I am a paralegal at Watkins & Eager PLLC in Jackson, Mississippi.
2. I am assisting Mark D. Jicka and Graham P. Carner with the habeas matter for Jeffrey Havard.
3. On May 10, 2010, United States District Judge Keith Starrett entered an order permitting some discovery, including written discovery, in the habeas proceedings.
4. As a result of the written discovery, a videotaped statement of Rebecca Britt taken during the initial investigation of the matter was produced to our office.
5. To the best of my ability I transcribed this statement, and prepared a written transcript from Ms. Britt's video taped statement.
6. A copy of the transcript that I prepared is attached hereto as Exhibit "A".

Further, affiant sayeth not.

This the 11<sup>th</sup> day of April, 2021.

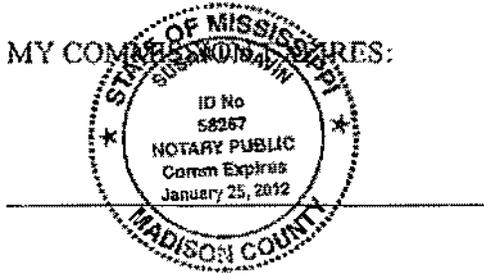
  
MARY LYNNE A. UNDERWOOD

STATE OF MISSISSIPPI

COUNTY OF Hinds

PERSONALLY APPEARED BEFORE ME, the undersigned authority, in and for aforesaid county and state, on this the 14th day of April, 2011, within my jurisdiction, the within named, Mary Lynne A. Underwood, who acknowledged to me that she executed the above and foregoing instrument for the purposes therein stated.

Arian L. Davin  
NOTARY PUBLIC



STATEMENT OF REBECCA BRITT  
February 22, 2002

JM: I'm Deputy John Manley and in the room with me is Deputy Carey Jackson and we're at the Adams County Sheriff's Office. In the room with me is Rebecca Jane Britt. Today's date is February 22, 2002. I'm Deputy John Manley and in the room with me is Deputy Carey Jackson and we're at the Adams County Sheriff's Office and we're talking to a Rebecca Jane Britt. Is that your correct name?

RB: Yes sir.

JM: And most people call you Becky, is that correct?

RB: Yes sir.

JM: Okay, Becky, we talked to you last night and you gave us a written statement, is that correct?

RB: Yes sir.

JM: And we asked you to come back today so we could get some more details, is that correct?

RB: Yes sir.

JM: Before we talked to you last night, did we advise you of your rights?

RB: Yes sir.

JM: Before we get to the advice of rights, where do you live at?

RB: 33 Montgomery Road.

JM: That's here in Natchez?

RB: Yes sir.

JM: Is there a phone at this address?

RB: No sir.

JM: Alright, last night we talked to you about an incident that occurred with your child, is that correct?

RB: Yes sir.

JM: Okay, that's what we wanna talk to you about now. Uh, on the form, I'm gonna put Adams County Jail. Today's date is February 22, 2002, time is 4:03 p.m. Okay Becky, before we ask any questions, you must understand your rights, the right to remain silent. Anything you say can be used against you in a court. You have the right to call a lawyer for advice before we ask any questions. If you cannot afford a lawyer, one will be appointed for you before any questions if you wish. If you decide to answer questions now without a lawyer present, you still have the right to stop answering any time. You also have the right to stop answering any time to talk to a lawyer. Do you understand those Becky?

RB: Yes sir.

JM: Is there anything about them that you do not understand?

RB: No sir.

JM: Okay, with these rights in mind, are you willing to talk to us about this incident last night?

RB: Yes sir.

JM: Okay, I need you to sign right here for me. I'll witness it. The time is now 4:05 p.m. And I'll get Deputy Jackson to witness it also. Okay, Becky, you say that you live at 33 Montgomery Road, is that correct?

RB: Yes sir.

JM: Who do you live with?

RB: I was living with Jeff Havard.

JM: Jeff Havard?

RB: Yes sir.

JM: Once again, I need to have you speak up for me, okay?

RB: Yes sir.

JM: How long have you been living with Jeff?

RB: I've been living there about 3 weeks.

JM: 3 weeks?

RB: Yes sir.

JM: Okay, how long have known Jeff?

RB: About 2½ months.

JM: How did you meet him?

RB: Through a friend.

JM: Where did y'all meet at?

RB: At my house. Where I was living at the time.

JM: And y'all dated for a while and then you moved in with him?

RB: Yes sir.

JM: Ok, you have a 6-month old child, is that correct?

RB: Yes sir.

JM: So, it's you, Jeff and your daughter that lived in the trailer?

RB: Yes sir.

JM: Anybody else live there with you?

RB: No sir.

JM: Um, do you work anywhere, Becky?

RB: No sir.

JM: Does Jeff work anywhere?

RB: No sir.

JM: Alright. Becky, tell me what occurred yesterday.

RB: Me and Jeff and Chloe were at home yesterday afternoon. About 7:45, he had asked me to go to the grocery store so I went to the Natchez Market and got some groceries, came back to the house around 8:20 or 8:30, and he was cleaning up the bed, putting the sheets up and she was in the bed sleeping. I went in and checked on her and she sleeping doing fine. She made a funny noise with her throat and I picked her up and patted her on the back and made sure there wasn't anything in her throat. She was fine so I put her back down and she went back to sleep. Jeff told me that she had spit up on herself so he had given her a bath and he had taken a bath and then he asked me to go to the video store. And I went to the video store and I came back 20 or 30 minutes later, he was in the bathroom and I went in to check on my baby and she was blue and her lips were blue and I screamed for him and I picked her up and I put her on the floor and did CPR and made sure there wasn't anything in her throat, and her throat was swollen shut. I told him to get in the car and take us to the hospital and he went and got a t-shirt and got in the car and we went to the hospital. They took my baby and while we were sitting there he was insisting on going home and changing clothes. (Crying) And then, they came and told me my baby was dead. (crying).

JM: Alright, Becky, uh before you left going to the grocery store, uh where, what did y'all do earlier that day?

RB: He slept all day and I looked for a job.

JM: Jeff slept all day?

RB: Yes sir.

JM: And you looked for a job?

RB: Yes sir.

JM: Um, where all did you go looking for a job?

RB: The grocery store, then I went to Alcorn to try to get started in school.

JM: What time did you leave that morning?

RB: 10:30.

JM: At 10:30? And Jeff was asleep at that time?

RB: Yes sir.

JM: Where had you taken the baby while you were out looking for a job?

RB: I took her to the daycare.

JM: Where is that at?

RB: Grace United Methodist Church.

JM: Do you pay for her daycare or does your mother pay for that?

RB: My mother pays for it.

JM: You mother pays for it?

RB: Yes sir.

JM: What time did you get back home from looking for a job?

RB: I got back home around 2-2:30.

JM: Okay. Was Jeff still asleep at that time?

RB: Yes sir.

JM: Okay. What did you do between 2:30 and 7:45?

RB: I stayed at the house and went over all my Alcorn stuff. I went to the library and then at 5:30 I went and picked her up from daycare.

JM: Okay, when did you leave your house going to the library?

RB: 3:30 or 4.

JM: Okay. Were you there until time to pick up the baby?

RB: Yes sir.

JM: You picked the baby up at what time?

RB: 5:30. Well, I think it was 5:15. They have a record of it.

JM: Okay, you picked the baby up and you came back to trailer, is that correct?

RB: Yes sir.

JM: Did you go anywhere else before you came back home with the baby?

RB: No sir.

JM: So you left Grace Methodist Church and went straight home, is that right?

RB: Yes sir.

JM: Alright, when you got home, who was there?

RB: Just Jeff.

JM: Was he awake at that time, or was he still asleep?

RB: He was still asleep and he was waking up about 10 minutes after I got there.

JM: He woke up 10 minutes after you got there. So you got home approximately. . . what did it take you to drive from there to the trailer? About maybe 15 minutes?

RB: 10 or 15 minutes.

JM: So you got home at approximately 5:45, is that fair to say?

RB: Yes sir.

JM: And at that time, Jeff woke up on his own, or did you wake him up?

RB: He woke up on his own.

JM: Alright, what took place between 5:45 and the time that you left going to the grocery store?

RB: I played with her, she was fussy, crying. I played with her to try to make her feel better, fed her her supper, gave her her medicine, and that's it.

JM: Did you ever leave with the baby again after you got home at 5:45?

RB: No sir.

JM: Did you ever take the baby for a ride to try to calm her down.

RB: Not yesterday, no sir.

JM: Not yesterday?

RB: No sir.

JM: Alright, so when you got home, it was you, Jeff and the baby. Did anybody else come over?

RB: No sir.

JM: No one at all?

RB: No sir.

JM: You had mentioned about giving the baby some medicine.

RB: Yes sir.

JM: Had she been sick?

RB: She had congestion and an ear infection.

JM: And this was medicine prescribed by a doctor.

RB: Yes sir.

JM: And, which doctor would that be?

RB: Dr. Darr.

JM: Is Dr. Darr a pediatrician?

RB: Yes sir.

JM: That's the baby's doctor?

RB: Yes sir.

JM: When did you take her to be examined by Dr. Darr?

RB: She went to the doctor Tuesday.

JM: What kind of medication did she prescribe for her?

RB: Um she gave her some vitamins and she gave her something for her ear infection. I'm not sure what it's called.

JM: Was this something that had to be given to her more than one time a day or just once a day?

RB: The ear infection was twice a day and the vitamins were just once.

JM: Ok, so when you gave her her medicine which medicine did you give her?

RB: I gave her the vitamins and the ear infection medicine, I put it in her food.

JM: Now, for her ear infection she takes that medicine orally?

RB: Yes sir.

JM: Okay, so you don't put it into her ear?

RB: No sir.

JM: She takes it by mouth?

RB: Yes sir.

JM: What did you. . . you mixed that medicine up into some food? Is that what I understood?

RB: Yes sir.

JM: And what kind of food was that?

RB: A jar of bananas.

JM: Alright, so approximately 7:45 Jeff gave you some money to go get groceries? How much money did he give you?

RB: \$40.

JM: And you, and which grocery store did you go to?

RB: Natchez Market.

JM: Which one?

RB: The one by the bridge.

JM: Out 61 North?

RB: Yes sir.

JM: Natchez Market 2?

RB: No the first one. Natchez Market by K-Mart.

JM: By K-Mart, okay. Natchez Market 1. Is that where you always go to grocery shop at?

RB: Yes sir.

JM: Okay. Do the people up there know you?

RB: I would think so. I'm not sure.

JM: We're not going into great detail about groceries you bought, but just give me a general idea of what it was that you bought.

RB: I bought some drinks, some hamburger meat, some paper towels and toilet paper, um just some stuff for supper.

JM: Okay. Do you recall the amount of money that you spent?

RB: \$32, \$33 something like that.

JM: When you left going to the grocery store, did you take somebody with you?

RB: No sir.

JM: Ok the baby stayed at home with Jeff? Is that correct?

RB: Yes sir.

JM: Where was the baby at when you left? What area of trailer was the baby at?

RB: In the living room in her swing.

JM: She was in a swing?

RB: Yes sir.

JM: How was she dressed at that time?

RB: She had on, um, just a little onesy.

JM: I'm sorry?

RB: A little onesy, a little shirt that snaps.

JM: Okay. Was the baby fussy when you left?

RB: No sir.

JM: Was she crying?

RB: No sir.

JM: Was she asleep?

RB: She was about to go to sleep.

JM: Okay. You went to the Natchez Market and bought some groceries. How long do you think you were at Natchez Market?

RB: I'm not sure how long I was in there. I remember seeing 8:20 on the clock on the way home.

JM: The clock that in the car?

RB: Yes sir.

JM: So you got home in the area of 8:30-8:45?

RB: About 8:30.

JM: 8:30 - Alright when you got home from the grocery store, where was Jeff and the baby?

RB: The baby was in her bed asleep and Jeff was in the bedroom picking up the sheets off the bed, letting out the bath water.

JM: What did Jeff tell you that he had done while you were gone as far as the baby goes?

RB: He said that she had gotten fussy, and she had thrown up, spit up and got it on the bed and on him and on her, so he went and gave her a bath and he took a bath, and he put her to bed.

JM: So he gave the baby a bath and he took a bath himself?

RB: Yes sir.

JM: How did the baby spit up on him, did he say?

RB: No sir.

JM: Did he say where the baby was when the baby got sick?

RB: No sir.

JM: Was the baby in her bedroom, your bedroom?

RB: I assumed that she was in my bedroom and he said that she had spit up on the bed too.

JM: And was he taking the sheets off when you got there, or had he already taken the sheets off?

RB: They were piled up on top of the bed.

JM: On the bed. Alright. When you got there the baby was in her bed. Is that correct?

RB: Yes sir.

JM: In her bedroom?

RB: Yes sir.

JM: How was the baby dressed then?

RB: She still, she had on a different onesy. It was the same one almost the same, um, just in her bed - laying there.

JM: But he had switched it.

RB: Yes sir.

JM: You say you picked the baby up?

RB: Yes sir. She made a funny noise in her throat like she was coughing up a hairball or something like that. And I poked her up and patted her on the back and made sure there wasn't anything in her throat. She was fine, she was breathing fine, her color was fine. I put her back in the bed.

JM: And what happened at that point?

RB: I went in the living room and sat down, put up the groceries and then he asked me to go to the video store to take some movies back and get some more.

JM: Did he give you some more money?

RB: Yes sir.

JM: How much money did he give you?

RB: He gave me a 20.

JM: He gave you a 20 dollar bill?

RB: Yes sir.

JM: And the baby was asleep when you left?

RB: Yes sir.

JM: Okay. Which video store did you go to?

RB: Blockbuster.

JM: And that's the one next Sonic Drive In, is that the one you're referring to?

RB: Yes sir.

JM: Is that where you normally go to rent videos?

RB: Yes sir.

JM: Do the people there know you?

RB: Some might, I'm not sure. I've been there a few times.

JM: Do you know any of them by name?

RB: Uh, one guy there that waited on me, he was there the night before, it was his first day and he was messing up a lot, and I remember his name was Josh.

JM: Josh?

RB: I think it was Josh.

JM: I see, was he there last night? Ok and uh, did you rent some more videos? Is that correct?

RB: Yes sir.

JM: Do you recall about what time this was that you went to the video store?

RB: Well, a little after that about 9:15.

JM: About what time was it that you left your house going to the video store?

RB: It was close to 9, I remember because I looked at the clock I don't remember exactly what time it was but I wanted him to hurry up and give me the money cause I wanted to go ahead and do that.

JM: You say you believe it was after 9 when you actually went to get videos and you returned following that?

RB: Yes sir.

JM: So would've got home in the neighborhood of 9:15, 9:30 is that fair to say?

RB: Yes sir.

JM: Ok when you got home, was anybody there?

RB: Jeff and the baby.

JM: Was there anybody else there?

RB: No sir.

JM: Ok when you got home, where was Jeff at?

RB: In the bathroom.

JM: Where was the baby?

RB: In her bed.

JM: Was she still wearing the same outfit?

RB: Yes sir.

JM: Okay. When you got home, Becky, tell me what you did from the point you walked through the door until . . .

RB: I came inside. I didn't see Jeff in the living room, so I yelled for him and he said he was in the bathroom. (crying) And I went in to check on my baby, and I felt under her and I picked

her up and I put her on the living room floor. And when I felt how swollen her throat was, we went to the hospital.

JM: How could you tell her throat was swollen?

RB: Because I put my finger down her throat.

JM: When you picked her up, Becky I understand this is difficult ok, but when you picked her up was she laying on her stomach or on her back?

RB: On her stomach.

JM: On her stomach. When you picked her up, did she breathe any at that time?

RB: (crying. . . can't answer)

JM: She was not breathing at that time, do I understand you're telling me?

RB: She wasn't breathing, she was just limp.

JM: Sorry, not breathing, is that what you said?

RB: Not breathing, she was limp.

JM: And you checked her throat?

RB: Yes sir.

JM: You checked her throat for what reason?

RB: Just to see if there was any obstruction, or anything in her throat.

JM: Becky, I understand it's hard, ok but um, what did you do then?

RB: I gave her CPR.

JM: On the floor? Do you know how to do CPR on a baby?

RB: Yes sir.

JM: Are you trained in that?

RB: No sir.

JM: You have not been trained in it?

RB: No sir. My mom's a nurse.

JM: She the one who told you how to do it?

RB: Yes sir.

JM: Can you describe your procedure for me?

RB: I tilted her head back (crying) and I held her nose and I breathed for her. And I did 4 reps on her chest and I breathed again. She wasn't doing anything, I could just hear my breath coming right back out of her (sobbing).

isn't her breath supposed to come right back out?

JM: And Jeff was still in the bathroom while you were doing that?

RB: He came in there and sat beside me.

JM: I'm sorry?

RB: He came in and sat beside me on the floor.

JM: Did Jeff say anything?

RB: He was just saying what was going on, what was happening, why was she blue.

JM: What was Jeff's demeanor?

RB: He just seemed really confused, he just seemed really confused. He didn't know what.

JM: Say again. How long did you try to do CPR on her before you took her to the hospital?

RB: I tried it 5 times.

JM: 5 times?

RB: And then I just had to put her in the car.

JM: Becky, did you ever shake the baby?

Infant CPR:

place the baby on its back on a flat surface  
tilt head back to open airway

give 2, 1-second rescue breaths

\*Chest compression, 30 chest compressions at a rate of 100  
per minute

give another 2 rescue breaths and then repeat

RB: No.

JM: You never shook the baby?

RB: No.

JM: To try to maybe dislodge whatever you might have thought was in her throat?

RB: No, because I was giving her CPR and I just felt

JM: Alright, how was Jeff dressed at that time?

RB: He was just in bluejeans and socks.

JM: Bluejeans and socks. did he have a shirt on?

RB: No.

JM: At anytime during that night, did he have a shirt on?

RB: No. He went and got one before we got in the car.

JM: Whose vehicle did ya'll ride in to the hospital?

RB: Mine.

JM: Did you call anybody and tell them that you were coming to the hospital?

RB: No.

JM: Alright, once you got in the hospital, Becky, tell me, tell me what happened then.

RB: We got out of the car with her, and he went and parked the car. I went inside and then I saw 2 nurses walking down the hall and I yelled that my baby wasn't breathing and they came and got her and took her back and they sat me down and they sat Jeff down and told us to wait. And they told us they might be shipping her to Jackson, shipping her to Jackson, and then he started insisting on going home and changing clothes or maybe that he shouldn't go, maybe I should ride with my mom.

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according to Jeff, at one point they were suggesting that they were going to bring the child to a hospital in Jackson, and at that point Jeff offered to go home and pack a bag of things they might need because he was assuming that they would be immediately driving to Jackson. He never said he wasn't going to go, in fact he suggested that maybe Rebecca should drive up with her mother immediately and he would be following shortly afterward with a bag of things

JM: Are you talking about Jeff?

RB: Right. And then my family got there, uh, the nurses came out and asked me if, who all had been with the baby today, yesterday. And I told them it was just me and him. And they went back and that was it. And then a police officer come and stand by him for the rest of the time.

JM: Stand by. . . ?

RB: Jeff.

JM: Who did that?

RB: One of the nurses or the doctors, I'm not sure.

JM: When you got to the hospital, Becky, did you go to the emergency room entrance or did you go to the front entrance?

RB: We went to the ER. The emergency room doors. I went to the ER, the emergency room doors.

JM: Alright. Has the baby had any medical problems other than what you have told me about?

RB: No sir.

JM: How about diaper rash, has the baby had diaper rash?

RB: She had some diaper rash.

JM: How long had she had that?

RB: She's always had diaper rash.

JM: Did you take the baby to Dr. Darr on a regular basis?

RB: Yes sir. For her immunizations.

JM: I'm sorry?

RB: I would take her to get her immunizations.

JM: Let me ask you one more time, Becky. Was there anybody who come to the trailer at any time yesterday?

RB: No sir.

JM: And to your knowledge, Jeff was asleep all day until you got home at approximately 5:45?

RB: Yes sir.

JM: And he woke up shortly after you got home?

RB: Yes sir.

JM: And of course, one time you came home earlier, I think you told me around 2, is that correct?

RB: Yes sir.

JM: And Jeff was asleep at that time?

RB: Yes sir.

JM: Did anybody come by to see you?

RB: No sir.

JM: When was the last time y'all had company at the trailer?

RB: Wednesday.

JM: Who was that?

RB: Jeff's grandfather had come by and my brother and my cousin had come by.

JM: Jeff's grandfather and your cousin?

RB: And my brother.

JM: Your cousin and your brother?

RB: Yes sir.

JM: Who is your cousin?

RB: David Barrett.

JM: David Barrett?

RB: Yes sir.

JM: Where does he live at?

RB: Clayton.

JM: And your brother is?

RB: Bill Britt.

JM: Where does he live?

RB: In Natchez.

JM: Where in Natchez?

RB: I'm not sure, I don't know the name of the street . . .

JM: How old is Bill?

RB: 23.

JM: How old is your cousin?

RB: 21.

JM: Becky, I asked you last night, uh, do you know who may have done anything to your daughter?

RB: Jeff is the only one I can think of. He was the only one with her.

JM: Is that the only, the reason you can only think of Jeff is that he was the only one that was with her, is that what you're talking about?

RB: He was the only one there. I can't think of anybody else that would do that to her.

JM: Becky, did you ever suspect that anything may have happened in the past by someone?

RB: No.

JM: Is there anything else that you can tell me, Becky.

RB: The only thing I can tell you is yesterday and the day before, she was irritable whenever he would want to hold her. And yesterday he had just insisted on holding her, and she screaming more, she just screamed when he came forward and held her.

JM: Is there anything else that you would like to ask me that would help us in our investigation?

RB: I don't know.

JM: I'm sorry?

RB: I know he's got a violent temper, that's all I know. . .

JM: Are you talking about Jeff?

RB: Yes sir.

JM: How you know he's got a violent temper?

RB: He argues with his grandfather and I know he has simple assaults on his record.

JM: When's the last time you changed the sheets on the bed in the bedroom?

RB: About a week ago.

JM: I'm not trying to get too personal, when's the last time you had a menstrual period?

RB: I bled for a long time after I had Chloe so I'm not sure.

JM: Have you had a menstrual period recently?

RB: I bled up until about a week or two ago.

CJ: How often does Jeff usually bathe the baby.

RB: Never.

CJ: He's never bathed her?

RB: No sir.

CJ: Would you say that's kinda strange that he took it upon himself to bathe the child while you was gone?

RB: Not really. I mean, he's always doing bottles for me or cleaning up while I'm taking care of her.

JM: Did he change her diapers?

RB: Sometimes

JM: Sometimes?

CJ: But he's never bathed her before?

RB: No.

CJ: How did he act towards the child when you was around? Did he ever get angry with the child or anything?

RB: No, he loved her. Just whenever she'd be really fussy, he acted aggravated. I mean, nothing physical or anything, he would just sigh, or turn away, or walk away.

CJ: That's all I have.

JM: Alright, with that we'll conclude this statement. Today's date is February 22, 2002. Time is currently 4:39 p.m.