

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JEFFREY HAVARD

PETITIONER

VS.

Civil Action No. 5:08cv275KS

CHRISTOPHER EPPS, Commissioner, Mississippi
Department of Corrections, and
JIM HOOD, Attorney General of the State of Mississippi

RESPONDENTS

DECLARATION OF DR. STEVEN T. HAYNE

Pursuant to 28 U.S.C. § 1746, I, Dr. Steven T. Hayne, state as follows:

1. I am a physician practicing in the fields of anatomic, clinical, and forensic pathology. I graduated from medical school at Brown University and did my pathology training at Letterman Army Medical Center at the Presidio at San Francisco, California. I was affiliated with the Medical Examiner's Office with the Mississippi Department of Public Safety for many years.
2. On February 22, 2002, I performed an autopsy on Chloe Britt. Following that autopsy, I prepared a Final Report of Autopsy.
3. In December of 2002, I testified at the trial of Jeffrey Havard in the Circuit Court of Adams County, Mississippi. Mr. Havard was charged with capital murder in the death of Chloe Britt.
4. I recently reviewed the Final Report of Autopsy, my trial testimony in *State v. Havard*, and the report of the Mississippi Crime Laboratory regarding the death of Chloe Britt.

EXHIBIT
"A"

5. The Final Report of Autopsy can neither exclude nor include that a sexual assault occurred, and the origin of the anal contusion and dilation would have to be interpreted in light of other information.

6. The Final Report of Autopsy documents the presence of a one centimeter contusion on the anus of Chloe Britt. This contusion could have a variety of causes, and is not sufficient in and of itself to determine that a sexual assault occurred. The Final Report of Autopsy also notes that Chloe Britt had a torn frenulum. This injury has numerous potential causes. Whether this injury was the result of an iatrogenic injury or an assault cannot be determined with certainty.

7. During the autopsy of Chloe Britt, I found no tears of her rectum, anus, anal sphincter, or perineum.

8. The cause of death of Chloe Britt was not related to the one centimeter anal contusion or injury to her frenulum as noted in the Final Report of Autopsy. There is no evidence that the death of Chloe Britt was caused by any sexual act.

9. Dilated anal sphincters may be seen on persons who have died, as well as on a person prior to death without significant brain function. My experience as well as the medical literature recognize that a dilated anal sphincter is not, on its own, evidence of anal sexual abuse, but must be supported by other evidence.

10. Based upon the autopsy evidence available regarding the death of Chloe Britt, I cannot include or exclude to a reasonable degree of medical certainty that she was sexually assaulted. The presence or absence of sexual assault would require additional evidence above and beyond the autopsy findings.

11. I am willing to be deposed regarding my autopsy of Chloe Britt and related opinions.

I declare under penalty of perjury that the foregoing is true and correct.

This the 5 day of March, 2009.


DR. STEVEN T. HAYNE