

1 IN THE CIRCUIT COURT OF THE
2 FOURTH JUDICIAL CIRCUIT, IN
AND FOR DUVAL COUNTY, FLORIDA
3 CASE NO: 16-2015-CF-007825-AXXX-MA
4 DIVISION: CR-E
5

6 STATE OF FLORIDA

7 -vs-

8 MICHAEL RAY HAIM,

9 Defendant.

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12 STATE OF FLORIDA)

13 COUNTY OF DUVAL)

14

15 Trial before the Honorable Steven B. Whittington,
16 Judge of the Circuit Court, Division CR-E, as cause in
17 this matter came to be heard on the 11th of
18 April, 2019, before Karen Waugerman, a Notary Public in
19 and for the State of Florida at Large and Registered
20 Professional Reporter.

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2

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5 appearing on behalf of the State of Florida.

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7 THOMAS GEORGE FALLIS and JANIS MARGARET WARREN,
8 Esquires, Private Attorneys, appearing on behalf of the
9 Defendant.

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1 P R O C E E D I N G S

2 (April 11, 2019) (9:02 a.m.)

3 (Defendant present.)

4 MR. MIZRAHI: Your Honor, before we
5 bring the jury out, the defense is moving an
6 additional photograph in evidence without
7 objection from the State. I believe it's
8 Defense 50.

9 THE COURT: Is that so?

10 MS. WARREN: Yes, Your Honor.

11 THE COURT: Defendant's Exhibit 50 is
12 admitted into evidence without objection.

13 (The item last above referred to was received
14 into evidence as Defendant's Exhibit No. 50.)

15 THE COURT: We ready for the jury?

16 MR. MIZRAHI: Yes, Your Honor.

17 THE COURT: Bring in the jury.

18 (Jury present.)

19 THE COURT: Welcome back. Please take
20 your seats.

21 Good morning, ladies and gentlemen.

22 THE JURORS: Good morning.

23 THE COURT: Y'all have a good -- last
24 night, get some good rest?

25 A JUROR: Yes, sir.

1 THE COURT: Good. And everybody still
2 able to follow the instructions about not
3 talking about the case or watching any
4 coverage?

5 THE JURORS: Yes, sir.

6 THE COURT: All right. Very good.

7 All right. We are on track. As I
8 indicated yesterday, we should be able to --
9 I say should for a reason but optimistic
10 we'll finish with all the evidence today. So
11 probably later in the day. So we'll bring
12 you back tomorrow morning is my plan for
13 closing arguments and give the case to you to
14 deliberate while you're fresh in the morning.
15 That's my plan and hope we will be able to
16 stick it. But as I said early on, these
17 things can be fluid, but we're going to do
18 our best to do that. Okay?

19 And with that I'll look to the State to
20 call their next witness.

21 MR. HEAVENER: Thank you, Your Honor.
22 The State will call Dr. Heather Walsh-Haney.

23 (Witness sworn by the clerk.)

24 MR. HEAVENER: May I proceed, Your
25 Honor?

1 THE COURT: You may.

2 HEATHER WALSH-HANEY, Ph.D.,
3 having been produced and first duly sworn as a witness
4 on behalf of the State, testified as follows:

5 VOIR DIRE EXAMINATION

6 BY MR. HEAVENER:

7 Q Ma'am, would you tell us your name?

8 A Yes. My name is Heather Walsh-Haney. That's
9 W-A-L-S-H and then a hyphen, H-A-N-E-Y.

10 Q And what do you do for employment?

11 A I am a university professor. I teach at
12 Florida Gulf Coast University, and I'm also a forensic
13 anthropology consultant charge.

14 Q What is it you teach at Florida Gulf Coast
15 University?

16 A At Florida Gulf Coast University, I teach
17 undergraduate and graduate students specifically in
18 classes like forensic anthropology, human osteology,
19 the forensic study of fragmentary bone. I teach crime
20 scene investigation. I teach a practicum where
21 graduate students learn the finer techniques of
22 forensic and logical analysis.

23 Q All right. I'd like to ask you some
24 questions about your training, your education, you
25 experience in the field of forensic anthropology.

1 But before we get started, can you just
2 describe for us in laymen's terms what forensic
3 anthropology means when we use those terms?

4 A I can. Anthropology is the study of human
5 and non-human primates, so monkeys, apes, lemurs,
6 through time and space. So geographic location. And
7 as a forensic anthropologist, my focus specifically is
8 on how humans change over time and how the environment
9 interacts with our bodies and might change specifically
10 our skeletal and dental remains.

11 And then for the forensic aspect, it's the
12 modern type of changes that we see in bone, whether it
13 is from trauma, whether it's from exposed long-term
14 exposure to water or sand or even if it's evidence of
15 perhaps grinding our teeth at night when we sleep or
16 having evidence of a healed fracture in your arm from
17 when you were in your early 20s or teens.

18 Q Okay. All right, ma'am. So tell us your
19 education background. What -- what degrees do you
20 hold?

21 A My degrees are from University of Florida,
22 where I received my bachelor's degree. I stayed on at
23 the University of Florida, where I received my master's
24 in anthropology as well as my undergraduate degree and
25 also with a focus on human anatomy. And for my Ph.D.,

1 penultima of 15 years almost at the university, where I
2 studied anthropology again and human anatomy.

3 Q You just used a big word, "penultima." What
4 are you talking about when you use that word?

5 A It means I spent a long time in college and a
6 lot of money to get through all of those years and all
7 of those degrees for the Ph.D.

8 Q And do I take it the 15 years is how much
9 time you spent in school at the University of Florida?

10 A It is.

11 Q Do you have any particular research interest
12 as it relates to forensic anthropology?

13 A I do. My research interests lie in how we
14 would -- how I would read bone to figure out how
15 someone died, how their diet, their activity or the
16 lack thereof changed their body in life and how I can
17 better read bones to see how the environment changes
18 the skeleton when it is exposed to everything from
19 wind, water or soil changes.

20 Q All right. And if I can stay with the field
21 of academics for a moment. The phrase "academic
22 appointment," what does that mean?

23 A So that means I've been hired at the
24 university to conduct research, to teach and to do
25 service to the State.

1 Q And just briefly, if you would describe the
2 academic appointments you've enjoyed during your
3 career.

4 A I began -- boy, in graduate school, I was a
5 laboratory manager and also instructor of record for
6 general anthropology classes. So the classes were my
7 own rather than being a teaching assistant. And then I
8 became a visiting instructor in the honors college at
9 University of Florida and visiting instructor at
10 Florida Gulf Coast University.

11 Once I received my Ph.D., I became an
12 assistant professor at Florida Gulf Coast University.
13 Then I was promoted to associate professor. And now
14 I'm getting ready to take the last step, which would be
15 full professor.

16 Q And are you familiar with an institution
17 called the National Forensic Academy?

18 A I am. I teach three to four times a year at
19 the National Forensic Academy. This is out of the
20 University of Tennessee, where there has been the body
21 farm, for lack of a better term, where Patricia
22 Cornwell went and trained to write some of her very
23 famous books.

24 And so the National Forensic Academy teaches
25 law enforcement and medical examiners from not only

1 throughout our country but also internationally. So I
2 go there several times a year to teach a module on
3 surface-scattered and buried body remains, where I show
4 law enforcement how to conduct those excavations and
5 then also to tell the different specifically between
6 human and non-human remains.

7 Q And when you say you teach there several
8 times a year, how many people approximately attend
9 these classes that you teach there several times a
10 year?

11 A About 35 per session.

12 Q And these are people from all over the
13 country?

14 A All over the country. So everyone from our
15 military -- we have soldiers come in from Iraq and
16 Afghanistan who are tasked with trying to understand
17 how to excavate the mass graves there, from FBI to
18 international law enforcement agencies as well as, of
19 course, agencies from Tennessee, Florida, Georgia,
20 Alaska.

21 Q Could you briefly describe your nonacademic
22 professional experience in terms of actually doing
23 field work and casework in the field of forensic
24 anthropology?

25 A I can. I -- well, the academic world of

1 forensic anthropology and consulting is almost
2 difficult to tease apart because my work is pro bono
3 for the most part. And so I wouldn't be able to do
4 that if I didn't have my university appointment. And
5 so for about 14 years on my own, without the guidance
6 of my mentor, Bill Maples, I've been conducting
7 forensic anthropological analysis both internationally
8 and in the United States. And so I have done casework,
9 for example, in Bermuda, Guatemala, Colombia, where I
10 helped identify the female victims of domestic violence
11 and feminicide, which is the government-sanctioned
12 killing of women.

13 I have -- in our own State of Florida, I've
14 consulted for numerous medical examiner districts,
15 doing between about 70 and 110 forensic anthropology
16 cases per year.

17 I'm also tasked with -- I'll be going to
18 Germany this June as part of the federal POW/MIA
19 counting command, where I'll be going to identify --
20 hopefully locate and identify airmen from World War II
21 at an old German crash site, where we have found a
22 crater finally through aerial images. We're going to
23 go back there and excavate.

24 The work on my own has also included work
25 with our federal government's disaster which were

1 operational response team, where as part of that team,
2 I responded to ground zero in helping to locate the
3 human remains associated with that terrorist event.

4 I was also tasked with going to Louisiana to
5 help locate and identify the victims of Hurricane Wilma
6 and Katrina.

7 Q Dr. Walsh-Haney, are you published?

8 A I am.

9 Q And could you give us just a few examples of
10 either books or articles you've published in the field
11 of forensic anthropology?

12 A I can. So I have an edited volume called
13 "The Forensic Anthropology Laboratory," where my
14 coauthors -- my coeditors and I highlight where
15 forensic anthropologists work, either in university
16 settings with law enforcement agencies or in private
17 practice.

18 I have written articles on identification of
19 human skeletal remains from different types of
20 orthopedic surgeries and sutures, articles that have
21 covered looking at how bone changes with activity.

22 A lot of reading for laypeople that might put
23 you to sleep at night. But for people like me, it's
24 very exciting.

25 Q All right. And one -- last couple of

1 questions. Have you taught at other universities? You
2 told us about the National Forensic Academy. How about
3 the university setting? Have you been a lecturer at
4 other universities?

5 A I've taught at University of Florida, Florida
6 Gulf Coast University and University of Tennessee.

7 Q And with regard to testifying and providing
8 opinions as an expert witness, have you provided
9 opinion testimony in courts before?

10 A I have, for roughly about 14 years.

11 Q Okay. And where -- what locations have most
12 of these courts been?

13 A Most of the courts have been in the United
14 States, mostly in Florida, although Bermuda and
15 Colombia.

16 Q And does -- does anyone -- do people in your
17 field, are they occasionally awarded grants to do
18 specialized study or specialized analysis?

19 A We are awarded grants.

20 Q And have you been awarded grants over the
21 years?

22 A I have. I've had grants that have done
23 everything from help facilitate research on small
24 museum collections to helping me bring colleagues in to
25 help look at human rights cases.

1 MR. HEAVENER: Your Honor, at this time,
2 I would tender the witness to the defense for
3 voir dire on her expertise.

4 MR. FALLIS: No voir dire, Your Honor.

5 THE COURT: You may continue.

6 DIRECT EXAMINATION

7 BY MR. HEAVENER:

8 Q All right, Dr. Walsh-Haney, I would like to
9 direct your attention more to what we covered in this
10 case. With regard to being a forensic anthropologist,
11 do you determine the cause and manner of death?

12 A No, I don't. The cause and manner of death
13 by statute, as I understand it, in Florida is
14 determined by the medical examiner.

15 Q Okay. And what role does a forensic examiner
16 play with regard to the identification of remains?

17 A So as a forensic anthropologist, typically,
18 I'm called in when the weather or traumatic injury has
19 rendered the soft tissue difficult for the medical
20 examiner to read to understand how the person may have
21 died or to ID that individual. And that's when the
22 case switches gears into the analysis of the skeletal
23 remains. And so they'll call in a forensic
24 anthropologist with a focused study on human skeletal
25 remains. That's where I step in.

1 Q Are you familiar with the term
2 "skeletization"?

3 A I am. So skeletization is the process
4 through which over time, the soft tissues of our body
5 disappear, and either it can be through natural
6 processes, exposure to the environment or just time or
7 mechanical processes, which is for my definition, the
8 removal of soft tissue, sometimes decomposing tissue I
9 must remove to get at the skeletal features to evaluate
10 them.

11 Q And with regard to human remains, do you
12 generally just look at bones? Is that what you look
13 at?

14 A My -- yes. My focused study is -- or are the
15 skeletal remains themselves and the dental remains.

16 Q What can variations in bone size and shape
17 tell you about a person's age?

18 A Oh. So as we grow, our long bones --
19 primarily think of those in your arms and legs -- they
20 increase in length. And then the joints surfaces,
21 which we will colloquially call our "growth plates,"
22 kind of induce or -- or spur on the shafts of the bones
23 to grow. And so once those growth plates, those joint
24 surfaces, are fused to the shafts of the bone, we say
25 that the human remains in front of us, that's an adult.

1 Usually, that happens in the late teens to early 20s.

2 After that, though, what we end up looking at
3 in the bones is wear and tear phenomena because really,
4 after about the age of 30, all we're looking at is
5 destructive change on your joint surfaces. So it's all
6 skeletally downhill after about 30.

7 Q What -- what can bones tell us about the sex
8 of a person?

9 A For the sex of a person, what we do is we
10 look at the bones of the pelvis specifically. So we're
11 looking at comparing male pelvic bones with female
12 pelvic bones. And the real trick is understanding that
13 the human pelvis is so special. Those bones are large
14 and wide compared to a male so that we can survive the
15 passage of a big-brained infant through the birth
16 canal. And so we look at the presence of what we call
17 "obstetric changes" or changes related to the birthing
18 process in the females and then the absence of those
19 traits in the male pelvis to look at sex.

20 The other things that we'll do is we'll look
21 at the overall size and length of bones from the femur
22 or thigh bone, the upper arm bone or humerus and
23 sometimes also morphology or shape and size of the
24 skull.

25 Q And what can bones tell us about a person's

1 ancestry?

2 A So the bones for ancestry, laypeople will
3 refer to ancestry as race. But what we're doing as
4 forensic anthropologists is looking at bone shape
5 differences and then superimposing that on genetic
6 frequencies. And so I look at and forensic
7 anthropologists look at changes in the mid face. So
8 the bones of the nose, the bones of the eye sockets,
9 the changes in your teeth, the height and length of
10 your brain case, those are changes that we look at to
11 estimate ancestry or race.

12 Q And when you're analyzing bones that you
13 analyze, you used the term "trauma." Can you describe
14 what that term means?

15 A Yes. So there are two different times of
16 trauma that I evaluate.

17 There is ante, A-N-T-E, mortem trauma. And
18 so that's the type of trauma I spoke about earlier
19 where we may see evidence of a healed fracture on your
20 arm, for example, that then we would compare to medical
21 records.

22 The other area of trauma that we evaluate is
23 perimortem, P-E-R-I. And those are changes to the bone
24 at or around the time of death.

25 Q And when you're conducting an analysis, when

1 you receive remains, what, if anything, do you do to
2 determine how many people you are analyzing?

3 A What I end up doing and is standard practice
4 is to lay out all the bones so that I look to see that
5 there is no irregular duplication of bones. So that
6 would mean if I had a right and a left upper arm bone
7 or humerus, I would know that based upon the size, the
8 shape and the breadth of joint surfaces, for example,
9 that that those belong to one individual. But if I had
10 two upper right arm bones, that would alert me that I
11 could have two individuals there.

12 But when you're dealing with the human
13 skeletal for an adult, it should have 206 bones. Once
14 I'm aware that there may be two individuals there, 412
15 bones, I have to start thinking about the human power
16 and the length of time it will take to really find the
17 remains or just do the laboratory analysis.

18 Q And can forensic anthropology tell us
19 anything about time of death?

20 A Forensic anthropologists can estimate time
21 since death or postmortem interval but in very broad
22 categories. We step in after the -- the medical
23 examiner has looked at their soft tissue changes in
24 fresh remains. We step in to look at the timing of
25 change of the decomposing tissues and how much relative

1 bone is exposed and then once all the bones are
2 exposed, how the bones change over time as a result of
3 the environment that they're in.

4 Q And -- and following up on that idea, can you
5 explain the kinds of factors that might result in bone
6 decomposition or bone loss or damage?

7 A Absolutely. The factors that influence bone
8 loss in an outdoor setting would be things like access
9 to bird scavengers, access to a feral dog, opossum,
10 raccoon -- you name it -- as well as exposure to rain,
11 sand, wind, vegetative matter, plant material that can
12 grow on and through the remains. All of those factors
13 can be a destructive process to the skeleton itself.
14 And so through time and research, we learn to calibrate
15 my eye to understand those changes and how it relates
16 to time since deposition or time since death.

17 Q Can the excavation itself cause damage to the
18 skeletal remains?

19 A It can. The excavation process in general
20 can be destructive. In order to get to the remains,
21 we're removing soil and removing a soil matrix that
22 could support those remains. And so in essence, it's a
23 destructive process.

24 Q Can you explain what roles you can play as a
25 forensic anthropologist in the actual excavation?

1 A Because I'm a forensic anthropologist, I
2 am -- I have access to quite a few, let's say, buried
3 body cases per year. And I -- because I know the human
4 skeletal anatomy and then I have -- I do a lot of
5 buried body recoveries, I'm able to better judge where
6 soil ends and skeletal remains will begin.

7 Because what can happen over time is if you
8 think of the fossilization process that we, you know,
9 love as kids -- I have a five-year-old and a
10 six-year-old, and they're very into fossils right now.
11 And, you know, what happened to dinosaurs is almost the
12 same type of process that can happen to human skeletal
13 remains. And that is that the chemicals, the salts,
14 the calcium that's in the soil and also the
15 particulates that are in water can actually work to
16 permeate the bone and sort of destroy it from the
17 inside out. And they can cause it to fossilize if
18 enough time and the environment is right. But it can
19 also cause the bone to sort of wear away and dissolve
20 and go into a groundwater matrix or the soil itself.

21 And as a forensic anthropologist, I am
22 trained in understanding when bone will look like soil
23 and really start to become part of the framework of the
24 soil and how to outline it as best I can and preserve
25 that evidence.

1 Q So I'm going to use a term, "spongy bone."

2 Are you familiar with that term?

3 A I am.

4 Q Tell -- tell the jurors or tell us what
5 spongy bone means.

6 A Spongy bone is like the most ornate honeycomb
7 you've ever seen. And that spongy bone makes up most
8 of the bodies of our vertebrae. It makes up most of
9 the ends of all of our long bones.

10 And I contrast spongy bone with cortical
11 bone. I hate to use that word. But cortical bones,
12 meaning that it is the bone that's laid down in sheets
13 that makes the wall of your bone. The spongy bone is
14 underneath the walls but also really takes up most of
15 the bone in the joint surfaces.

16 Q Where -- where do you find most of the spongy
17 bone in the human body?

18 A We find most of the spongy bone in our
19 vertebrae, some of our ribs, our pelvic bones and then
20 the joint surfaces of our body. So shoulders, knees,
21 chest plate or plastron, ankles.

22 Q Okay. So if a -- a non-trained forensic
23 anthropologist sees a head and sees leg bones but can't
24 find the torso, what is that indicative of to you?

25 A So a non-trained person?

1 Q Yes, ma'am.

2 A That would suggest to me that they didn't
3 recognize those skeletal elements in the soil matrix.
4 They thought that it was just soil.

5 Q Can -- can you describe that further for us?
6 Like, what would it be looking like if -- to a
7 layperson when they're digging around and -- and
8 they're digging in the spongy bone area of the body?

9 A So they're digging around. I would imagine
10 you have different size granules on sandpaper, and
11 perhaps in the soil that you're digging, you're used to
12 seeing the finest grain sandpaper. And then all of a
13 sudden, maybe you move into what would be the center of
14 the body, and the grains of the sandpaper get rough or
15 rough sandy. A layperson might think, oh, that's just
16 a change in the soil; soil's a little different here.
17 And actually, what's happening is they're blasting
18 through spongy bone and don't know it. They don't know
19 it.

20 Q You -- you mentioned, as a trained forensic
21 anthropologist, recognizing the changes in soil. Is
22 that something that you are doing visually at the scene
23 or are you using chemical tests? How does that process
24 take place?

25 A Actually, it's both of those types of things.

1 So it's visually. So what I do with my eyes.

2 And if I can digress for just a second. So
3 when I -- because I consult from the Keys all the way
4 up to the Panhandle, you know, we all know that the
5 soil can change as we move throughout the state. And
6 so when I'm on a scene, one of the first things I do is
7 I create a shovel test pit. So I go off to an area
8 that's outside of the area of interest but off a little
9 ways and I'll dig a pit. And that will be an example
10 of, I guess, virgin soil, where I could see how the
11 soil color changes and how the particulate matter in
12 the soil changes. And, again, I'm calibrating my eye
13 for that specific area.

14 And so that's what I do in the unique scenes.
15 So I would always be judging the changes in the soil
16 with my eye, but then there are also standards that you
17 can use so that that vocabulary that -- when I talk
18 about grain size or I talk about this is gray soil or
19 yellow soil that another expert could evaluate what I
20 think is fine sand versus yellow soil.

21 And there is a book called "Munsell Soil"
22 book, M-U-N-S-E-L-L. And that book really sets a
23 standard for changes in soil. It would be akin to a
24 color wheel that an artist uses to match colors and --
25 except this is a book about two and a half to three

1 inches thick that has all of these different colors in
2 it.

3 And so I would take soil from each layer, and
4 then I would map it out and look at those soil color
5 changes.

6 The other thing that I would do is I have
7 probes that I use to evaluate soil moisture, PH value
8 of the soil to better understand how that might affect
9 bone.

10 Q All right. Going back to the human body in
11 general, how -- how long does it typically take a body
12 to skeletonize?

13 A The factors that play into human remains
14 skeletization are immense. But in general, what we see
15 in Florida is that on the surface, we can -- in outdoor
16 environment, we can have skeletization between about
17 five days to two weeks. And by that, I mean the
18 skeletization, these are greasy remains. This is not
19 the type of skeletization a layperson would think about
20 with bleached white bone that you might touch with a
21 bare hand. This is bone that is very greasy. There is
22 still soft tissue there.

23 But any markers that a medical examiner with
24 training in soft tissue change, they wouldn't be able
25 to use those changes to evaluate cause of death.

1 They're going to need to have someone read the bones to
2 figure out who the person was and how they died.

3 Q And are you able to express any opinions
4 about how much time must expire before someone's just
5 physically unable to move an intact human skeleton?

6 A Yes. I know from experience because I go out
7 to surface remains, and if the weather is warm and it's
8 neither too shady nor too sunny nor too much rain, boy,
9 in -- in about five days to a week, it would be very
10 difficult to move an intact body the way we would think
11 of, you know, picking my son or daughter up off of the
12 ground. I couldn't do that then because unfortunately,
13 you know, the mandible will drop away from our cranium.
14 Our arms and the joints of our shoulders loosen, and so
15 those extremities can -- can come off.

16 Q And you would expect that process to take
17 place as early as five days. How -- how late would you
18 expect the process to take place?

19 A Well, it depends because the colder you get,
20 the better preserving of the soft tissues.

21 Q Okay. Let's say that it's cold weather,
22 winter months.

23 A In Florida, maybe a couple of months.

24 Q Okay. You -- you indicated to us that you're
25 also -- when you're doing your analysis of bones,

1 you're looking for evidence of antemortem trauma and
2 perimortem trauma. What do you call damage to the
3 bones after death, after death?

4 A So damage to the bone after death is called
5 "postmortem change." And so that -- those are changes
6 or breaks in the bone that can occur because of animal
7 scavenging. It can occur because of human-induced
8 dismemberment. It can occur because of weather, plant
9 change, all sorts of environmental variables.

10 Q All right. Dr. Walsh-Haney, let me direct
11 your attention specifically to the case of the State of
12 Florida versus Michael Haim. Are you familiar with
13 this case?

14 A Yes, I am.

15 Q And did you participate at all in the
16 processing of the -- or for the excavation of the
17 burial site of Bonnie Haim?

18 A I did not.

19 Q Okay. Did you -- did you happen to be in
20 town when the excavation was started?

21 A I was.

22 Q And did you swing by?

23 A I did.

24 Q And at what point did you swing by during the
25 excavation?

1 A As I remember, there were human skeletal
2 remains, parts of the cranium on a biohazard bag or
3 tarp. And the crime scene investigators were
4 conducting the excavation. They were moving soil to
5 try to expose the entire skeleton.

6 Q Okay. When you arrived, were they doing so
7 in a way that a forensic anthropologist would do that?

8 A They were trying to do that, yes.

9 Q Let me ask a different question. Were you
10 retained by any law enforcement agency to conduct the
11 excavation of Bonnie Haim's burial site?

12 A I was not.

13 Q Did you give any just general input to the
14 evidence technicians?

15 A I did. I told them to move slowly, move
16 just, you know, an inch or two of soil at a time, to
17 think about creating a pedestal. So that would mean
18 using the soil to support the skeletal remains, not
19 just getting so focused on brushing away soil to show
20 all the ribs and the chest plate and where the head is
21 relative to the rest of the body, to think about how
22 the soil will be compact where it has been undisturbed
23 and loose where the grave was originally dug. And find
24 those borders so that then you get under it, and then
25 you can bring up the remains as a pedestal or think of

1 it as almost as a block and then bring them into the
2 morgue so that they could be excavated.

3 Q Tell us, if you were conducting an
4 excavation, what kind of team would you bring to the
5 site both in terms of number of people and type of
6 people?

7 A I would -- boy, I would have between, boy, 8
8 and 12 team members with me. So those are primarily my
9 graduate students, although I have visiting -- I have a
10 visiting anthropologist working with me, Mr. Lockguy
11 (phonetically). I have another one from Cypress. And
12 so I bring them with me as well.

13 And we -- I, of course, work with law
14 enforcement to run the scene, and we methodically, like
15 well-trained locusts, move soil as carefully as we can
16 so that we can photograph and map all the remains in
17 place. Because the other thing that happens over time
18 is that the bone itself becomes easily damaged. So
19 sometimes it's inevitable that the bone will break once
20 you bring it out of the soil matrix because that's all
21 that's left holding it together. So it's at that time
22 where, you know, there are some lines of evidence that
23 can only be collected while they're in the burial.

24 Q Let me -- let me direct your attention --
25 you've got a screen in front of you. If you touch it,

1 you should have a picture that shows up. I'm showing
2 you what's been introduced as State's Exhibit 23, and
3 this is the -- the scene where Bonnie Haim was buried.
4 And these photos date back to 1993.

5 You see on the side of the wall, there's a
6 shower, and at this time, there was a wooden pallet
7 with some pebbles underneath. Could you just describe
8 generally -- in general terms what that -- what you
9 would expect that environment to have on the condition
10 of -- of human remains?

11 A The cascade of water or the slow drip of
12 water into the soil would work to not only remove soft
13 tissue and blood, but it would work to slowly destroy
14 the skeletal remains.

15 The other thing I see there is some chemicals
16 near as well which I don't know what is in those
17 chemicals.

18 Q What effect, if any, would pouring chemicals
19 in that area have upon skeletal remains?

20 A Very acidic or very basic chemicals will
21 actually work to dissolve and etch away the bone.

22 Q And then I'm going to show you State's
23 Exhibit 53 in evidence.

24 I'm sorry. State's Exhibit 51 in evidence.

25 You'll have to excuse me. I'm slow with the

1 technology.

2 State's Exhibit 51 has been described as a
3 thin layer of concrete and bricks that were eventually
4 poured over that same grave site that we just looked
5 at. What, if any, effect would that environment change
6 have to the human remains that were there?

7 A Well, the -- the cement and the bricks are
8 permeable, so it would still allow water to pass
9 through. And then the -- not only do you have
10 groundwater coming up from the soil, but the water from
11 the shower or rainwater, that could all work to still
12 get to those remains and to have an effect on the bone
13 itself.

14 Q All right. And I'm going to show you some
15 photographs of the scene itself. Let me show you first
16 State's Exhibit 74 in evidence. Do you recognize what
17 that looks to be?

18 A I do. That is the cranium.

19 Q Okay. And what can you tell us about the
20 cranium just as you look at it there, as it sat in
21 2014?

22 A Immediately, my eyes are drawn to the margins
23 of the bone, where I see almost, like, zipper-like
24 changes on those margins. Those are the sutures. And
25 then I can see how bright white the margins are.

1 And so as I look through the entire fragmentary
2 cranium, I see postmortem breakage throughout.

3 Q And -- and you can actually draw on -- on the
4 photograph in front of you.

5 A Okay.

6 Q So first of all, if you could highlight for
7 the -- for us the suture lines that you're referring
8 to?

9 A Sure. So here is the best example of a
10 suture, where you see the almost like little sharp
11 teeth rows. Those are the parts of the joints of the
12 skull.

13 Q Okay. And when I hear the word "suture," I
14 immediately think of going to the hospital and getting
15 stitches. Are you using that word "suture" in a
16 different context?

17 A I am. I apologize for that. A suture -- in
18 the head, our joints of the head are called "sutures."
19 And they come together like zippers on a jacket, like
20 zipper teeth on a jacket, whereas, you know, you think
21 about the joint of our elbow and our knee and our
22 shoulder, very different puzzle pieces.

23 Q When you see breakage along a suture line
24 like that, is that what you're referring to as being
25 some indication of postmortem breakage?

1 A Yeah. Well, there is postmortem breakage
2 here where we see the absence of the suture, and you
3 can see how light and staining it, that is showing me
4 that those margins have just recently been exposed.
5 Because what should happen is if all of the bone is
6 decomposing at the same time and exposed to the soil
7 and water around it, it's all going to, you know, be
8 about the same color. And then when the margin breaks,
9 it exposes the surface that had not been exposed
10 previously to the environment changes. And it is
11 lighter in color. That's the hallmark of a postmortem
12 break.

13 Q All right. Dr. Walsh-Haney, let me show you
14 what's in evidence as State's Exhibit 96.

15 You -- you described for us seeing -- or one
16 of the things you're looking for at an excavation site
17 is seeing changes in soil?

18 A Yes.

19 Q The burial site here is under the blue tarp.
20 But next -- right next to the blue tarp, we see where
21 earth has been dug out. Can you explain the lines that
22 we're seeing in that picture? What are we looking at?

23 A So those are soil horizons or horizontal
24 layers in the soil that show how it was deposited over
25 time and it's undisturbed.

1 And if I kind of highlight it, you've got a
2 row -- the soil color is dark brown there, and then you
3 see these lighter sandy soil colors underneath it.
4 That -- that would be at least -- one, two, three --
5 four stratigraphic layers or horizons in the soil.

6 Q And I'm going to erase what you just wrote.

7 But the color -- the sandy-type soil, what
8 color does that appear to be?

9 A That is probably -- in the Munsell family,
10 would be a 7.5YR, which means that on the color
11 pages -- you would find the 7.5 color pages. And
12 believe it or not, that has a little yellow, red in it,
13 and that tends to be a standard throughout Florida.

14 Q Okay. Let me show you what's been introduced
15 into evidence as State's Exhibit 101. Do you recognize
16 State's 101?

17 A I do.

18 Q And what are we looking at in State's 101?

19 A What we're looking at is the flexed knee and
20 legs of the skeletonized remains, the clothing on the
21 lower half of the remains. I can see -- may I mark?

22 Q Yes, ma'am.

23 A I can see two bones here. These are the
24 bones of the calf. You have the tibia and the fibula.
25 The little one is the fibula. And then I'll just

1 follow it up here till we get to the knee. And then
2 this is your upper thighbone or femur. And then here,
3 it looks like we have pelvic bones.

4 Q Were you -- there's a space in between the
5 circle that you've just drawn. And just so the record
6 is clear, I'm going to describe what you've drawn and
7 ask you if it's correct. You started at the bottom
8 center of the photograph, State's 101, drawn up towards
9 the right-hand corner, then circled around, come back
10 down towards the middle again, and you kind of put a
11 line. What does that line represent?

12 A Well, it looks like here that we have what
13 may be a little tiny bit of bone right here. And then
14 there's soil and dirt, and then I can see more bone
15 poking out.

16 Q Okay. Did you have any opinion on what the
17 bone that's above the -- does the pants -- do they
18 appear folded in this photograph?

19 A Actually, they do.

20 Q And what -- what opinion do you have about
21 what the bone that's above those -- that fold in the
22 pants? What do you think that is?

23 A That -- that to me looks like a hip bone,
24 probably ilium, I-L-I-U-M.

25 Q Dr. Walsh-Haney, I want to -- while we're

1 talking about the -- the pants there, when you excavate
2 burial sites, do you -- do you frequently encounter
3 clothing present?

4 A I do.

5 Q And let me show you what's been introduced
6 into evidence as State's Exhibit 102. And I'm going to
7 circle something this time. Do you see the -- the
8 black ball right there that I just circled?

9 A I do.

10 Q Okay. Let me show you another picture,
11 State's Exhibit 118.

12 Okay. I'm going to circle again. Do you see
13 that same black ball?

14 A I do.

15 Q Does that appear to be on top of the black
16 plastic-looking item there?

17 A It does. It's in a layer above it but
18 because of the soil, it's hard to tell.

19 Q All right. And then let me show you
20 State's 125, and then I'm going to show you State's
21 Exhibit 126. But let me show you State's 125 first.

22 State's 125, is that black ball that we were
23 just looking at? Does it appear the same?

24 A Yes.

25 Q Okay. What is State's 125?

1 A I see this all the time. That is the
2 stitching for an article of clothing or cloth that
3 is -- the cloth was cotton and then the stitching is
4 synthetic nylon or something. And so over time, it's
5 been my experience that the cotton will dissolve over
6 time, but the synthetic fibers, they stay in the soil
7 matrix. And so I can read the tag there. It says an
8 extra large Fruit of the Loom.

9 Q Let me show you a larger photo of that tag,
10 State's 126. Does that help you read it?

11 A Oh, it does. It says 100 percent cotton so,
12 again, underscoring what we know through training and
13 experience.

14 Q Okay. So just to follow up a bit. You just
15 used the word "synthetic." Is -- the opposite word of
16 synthetic, would that be organic?

17 A Yes.

18 Q Okay. So explain to the -- to us what the
19 difference between synthetic and organic is.

20 A For my purposes as a forensic anthropologist,
21 when I see synthetic human-made fiber, it lasts in the
22 soil or on the body over time, whereas the organic
23 material doesn't stand the test of time or exposure to
24 the elements, and so it will disappear over time.

25 Q All right. So if -- if we go back to the

1 overall picture, if -- if that were a T-shirt -- it's
2 got a Fruit of the Loom tag, extra large, 100 percent
3 cotton. If it were wadded up and thrown on top of that
4 poncho after the poncho and the body were placed in the
5 grave, would that be consistent with the condition that
6 you're seeing here?

7 A Absolutely. And I'll contrast that with I've
8 had human remains that have worn clothing similar to
9 this, and the stitching, you know, around the arm hole
10 or around the wrists or down the sides of the body or
11 around the neck that's synthetic stays in that position
12 adjacent to the bone.

13 Q And if there were staining, any kind of body
14 material staining on whatever the clothing item was
15 that's now no longer present, what would happen to
16 that?

17 A I'm not an expert in body fluids, but I am
18 responsible for documenting what I think may be fluids
19 on a body in a soil matrix over time. And I have yet
20 to see, in my career, bloodstaining on human remains
21 that have bore trauma in a burial after time. I've
22 never seen it. It wouldn't be there, dissolve into the
23 soil and into the groundwater and the water coming from
24 the shower or from the sky.

25 Q Okay. Let me -- let me -- show you what's

1 been introduced as State's 127.

2 Does that appear to be the pink pants, the
3 bone you showed us earlier wearing?

4 A Yes.

5 Q Okay. And if I show you the next -- this is
6 the tag on those pants. What does it say?

7 A So it says made in USA, 50 percent cotton,
8 50 percent acrylic.

9 Q Okay. What -- what clue does 50 percent
10 cotton and 50 percent acrylic give you as -- in your
11 line of work?

12 A That's going to tell me that the pants, the
13 bones within that article of clothing, the article of
14 clothing is, in all likelihood, going to stay intact
15 for longer than something that was purely cotton or
16 silk, for example, another organic fiber.

17 Q And -- and acrylic is an organic fiber?

18 A It is inorganic. It is not --

19 Q It's a synthetic.

20 A It is synthetic fiber, yes.

21 Q How about acrylic fingernails, fake
22 fingernails? Are those synthetic or organic?

23 A Those are synthetic.

24 Q Okay. Would it surprise you to find ten
25 synthetic fingernails or acrylic fingernails 24 years

1 after burial?

2 A Not at all. I've had burials with, for lack
3 of a better term, Lee press-on nails many times over in
4 burials of -- from years to decades.

5 Q All right. Ma'am, let me show you...

6 I'm showing you what's been introduced as
7 State's Exhibit 115. It's a diagram that the evidence
8 technician prepared, documenting where he obtained
9 certain things. I'm not really asking you about where
10 he obtained things, but I am asking you about the grave
11 site. It's about -- he indicated it was approximately
12 20 inches wide, approximately three and a half feet
13 long and anywhere from 8 inches deep down to 24 inches
14 deep.

15 The victim in this case, we've heard
16 testimony, was about five-foot one inches tall and
17 weighed about 110 to 115 pounds. The grave site that
18 we're seeing, those dimensions, would that be
19 consistent with your training and experience in terms
20 of a human remains site?

21 A I've had graves roughly that size in the
22 past, yes. I've had also bigger graves and deeper
23 graves.

24 Q All right. If someone is five-foot
25 one inches tall and the length of the grave is three

1 and a half feet in length, what would they have to do
2 to the body to make it fit?

3 A They would have to bend the joints of the
4 victim or dismember the victim.

5 Q Okay. And -- and by doing that, would that
6 increase -- well, let -- if -- if I were trying to do
7 the least amount of digging I could do and still bury
8 the remains, what would that dictate in terms of the
9 size of the grave that I'm digging?

10 A Well, you'd want to -- if you had very little
11 time, you would make a smaller grave, and you would
12 bend the body at the joints -- the knees, the hips,
13 perhaps the elbows -- and get the body into the grave
14 as best you can.

15 Q All right, ma'am. Let me -- let me direct
16 your attention to the analysis that you conducted at
17 your lab. Did you receive the final remains of Bonnie
18 Haim?

19 A I did.

20 Q And do you recall approximately when you
21 received those remains?

22 A May I refer to my report?

23 Q Yes, if it will refresh your recollection.

24 A Referring to my report, I received the
25 remains on the 12th of January, 2015.

1 Q And what, if any, observations did you make
2 about the initial remains that you received?

3 A I first evaluated the texture of the bones,
4 so that -- I noticed that the bone that makes up the
5 walls of the skeleton, it was starting to flake off.
6 There was a lot of postmortem breakage. I saw a lot of
7 bright white margins, for example, on the bone. And I
8 noticed that the skeleton was diminutive. It was a
9 very small person. And I also noted that the person
10 was an adult.

11 Q All right. Let me show you what's been
12 introduced into evidence as State's 134. This is a
13 photograph that was taken in the Medical Examiner's
14 Office. Can you describe -- is this ideal, to have a
15 medical examiner excavating the bones from the pedestal
16 package that was delivered to their office?

17 A No, it's not.

18 Q Okay. Explain why that's not ideal.

19 A They don't have the focused training on how
20 bone changes in response to environmental variables.
21 All I do is look at bone in different context all the
22 time, and they don't really have to encounter bone like
23 that. And because I -- I help so many jurisdictions in
24 Florida and internationally, I have a lot of
25 opportunity to really hone my skill on purely skeletal

1 cases. And as we all know, medical examiners deal with
2 fresh remains more than they do skeletonized or
3 decomposing.

4 Q Okay. So we see several places in this
5 photograph. On the right-hand side, there is a box.
6 I'm going to call it box of rocks is what it looks
7 like. Is that -- am I right about that?

8 A Not completely.

9 Q Okay. Is there bone fragments in that box?

10 A Yes.

11 Q Okay. And then on the -- the left-hand side,
12 the bottom left, we see another kind of a round -- I'll
13 refer to it as a bowl. Does that have smaller
14 particles in it as well?

15 A It does. It has soil and bone, pieces of
16 bone.

17 Q All right. When -- when you received Bonnie
18 Haim's final remains -- let me go ahead and show you a
19 picture of your layout.

20 All right. So first question, where are you
21 conducting your analysis?

22 A I have a laboratory at the District 20 Office
23 of the Medical Examiner in Collier County, Florida.
24 And my analysis, the nuts and bolts of it, occurs
25 there.

1 Q And we're going to see several pictures that
2 have a black background. What is that background?

3 A I tend to -- as was the standard from my
4 mentor who taught me is to use a black velvet
5 background for human skeletal remains because it tends
6 to be easier for everyone to see because of the
7 contrasting color.

8 Q All right. So if I could keep your focus on
9 this photograph we're looking at, I'm just going to ask
10 you to explain what certain things are. I'm going to
11 put a mark next to it. The top right-hand corner of
12 the photograph, there's a bend. What are we looking at
13 there?

14 A That bend is soil. It's the ground matrix.
15 Plus there are tiny little pieces of bone in there that
16 I just did not have time to pull out.

17 Q When -- and I'll jump ahead a little bit.
18 When you received the remains of Bonnie Haim -- can you
19 describe what a bone fragment is?

20 A Sure. A bone fragment is a piece of the
21 skeletal material that has broken away from the major
22 source, whether -- it could be a small piece of the
23 upper arm bone or the vertebrae or the head.

24 Q All right. And is there a smaller unit in
25 your field that you would describe parts of bones?

1 A So pretty much if we think about female
2 remains, you think about them being about a maximum
3 quarter inch in diameter. And so what we're dealing
4 with here is -- is material that fell through my screen
5 of a quarter inch. So that shows you how tiny the bone
6 fragments were that were going through my sifting
7 screen in that box.

8 Q All right. And did you -- by the time the
9 remains came to your office, were you able to -- to
10 produce 15 bags of those tiny bone fragments?

11 A I was. So the bags actually contained, you
12 know, bones that were just a little bit bigger that
13 would be above that quarter-inch screen.

14 Q Okay. So where would the -- on your
15 photograph, where would the remains in the quarter-inch
16 screen be?

17 A So that pass-through would be in the upper
18 right box, the box in the upper right-hand side.

19 Q Tell us what the little box is in between
20 the -- the two on the right-hand side of the photo.

21 A That is -- the little box in between contains
22 more teeny, tiny pieces of soil and pieces of bone that
23 didn't quite make it through the quarter-inch screen.

24 Q And then the bottom box, what is that?

25 A The bottom box contains root material and

1 soil, and I think there was some fabric there too. But
2 I wanted to keep it intact for the other types of
3 scientific experts that would look at it.

4 Q Okay. And then if I come over to the other
5 side of the picture, we've got -- I see 15 bags. There
6 what is that?

7 A So those contain everything from little
8 pieces of rib to vertebrae to pieces of hands and feet
9 and pieces of the other bones that are there. Her
10 remains were so fragile that, you know, at some point,
11 I would pick them up to evaluate them, and another
12 small piece would fall off. And that's when I would
13 pick it up and try to get it into a baggie so that I
14 would know it went to the upper right humerus or upper
15 arm bone. Because those pieces can become so small.
16 In isolation, we'll know they're human but they're
17 un-diagnostic. I may not know whether it was from the
18 thigh or from the upper arm.

19 Q So when you said -- you just said that you
20 might have in those bags pieces of a rib. The fact
21 that there's a piece of a rib there but we don't see a
22 rib in this overall photo, what -- what does that mean?

23 A The -- in my opinion, the ribs either
24 dissolved into the soil matrix, or they were crushed
25 and destroyed during the excavation. But we do have a

1 few pieces of rib in the image.

2 Q All right. So the -- the fact that you have
3 pieces of rib would indicate that at some point, a rib
4 would have been there?

5 A Oh, yes.

6 Q Okay. During your analysis, did you -- did
7 you locate any non-bone evidence that you thought was
8 relevant?

9 A I did. I found metal. I believe there was
10 an earring and then two pieces of metal that may have
11 been from a bullet. But I -- you know, I know to look
12 for things that might be other types of physical
13 evidence, even though, you know, it would not be my job
14 to analyze those things. But I put them aside for law
15 enforcement or the medical examiner so it's their
16 responsibility.

17 Q All right. I'm showing you what's been
18 introduced into evidence as State 136. Do you
19 recognize State's 136?

20 A I do.

21 Q And what are we looking at on State's 136?

22 A We're looking on the far left at part of a
23 cartridge of a bullet and then on the right, a piece of
24 oxidized metal that could be from a bullet.

25 Q All right. And you -- you found those when

1 you were going through the remains that were delivered
2 to you.

3 A Yes.

4 Q Let me go back to your overall picture,
5 Dr. Walsh-Haney. Do you see evidence of Bonnie Haim's
6 hands in the photographs we're looking at?

7 A I do. In the upper left midline of the
8 photograph, you can see most of her left hand and
9 wrist. And in the bottom of the photograph, you see
10 parts of her wrist, the palm of her hand and then part
11 of her finger bones.

12 Q All right. And what, if anything, does the
13 existence of hand bones tell you as a forensic
14 anthropologist?

15 A Well, especially the completeness of the left
16 hand suggests to me that she was buried before the
17 process of decomposition would start causing those
18 extremities to disappear, to be eaten by scavengers or
19 for a layperson not to be able to get them in a grave.

20 Q If I'm a -- or if you have a decomposing
21 body, in your training and experience and education,
22 are there parts of the skeleton that become detached or
23 decompose faster than other parts?

24 A Typically, what happens postmortem is that in
25 an outdoor environment and an indoor environment that

1 maybe the windows are open or that's not a well-sealed
2 house is that the insects of forensic significance will
3 first colonize the head. So they'll deposit or lay
4 eggs on the eyes -- in the eyes, nose, mouth and ears.
5 So we tend to get a head-down skeletonization.

6 So in an outdoor environment, that continues.
7 But the other thing that happens is that we have
8 scavengers, as I mentioned before, birds, raccoons,
9 coyotes, dog, cat, you name it. And they tend to go
10 to -- for the extremities so that the hands and feet
11 will be gnawed on or those pieces will be taken away.
12 For example, for an upper arm, our shoulder is not a
13 ball and socket joint in bone. It's rather a soft
14 tissue socket, the rotator cuff that we hear about in
15 sports athletes injury. So that's a soft tissue joint
16 so that when scavengers pull on the upper extremity or
17 arm or hand for that matter, they tend to disengage the
18 entire shoulder and will take that arm away.

19 So, you know, what I see here is not only an
20 intact hand, but I see the bones of the shoulder, the
21 arm and the forearm.

22 Q And that would be indicative to you that this
23 was the place where Bonnie Haim was first buried?

24 Let me ask, is that consistent with this
25 being her first burial place?

1 A It would suggest to me that she wasn't moved
2 much before burial.

3 Q All right. You -- in the -- in the
4 photograph, do you see any feet bones?

5 A I do. The bones of the ankle, the bones that
6 make up the arch of your foot and then also toe bone is
7 there.

8 Q Okay. Do you have any knowledge of whether
9 any shoes were recovered from this burial site?

10 A I don't.

11 Q With regard to what we see in the photograph
12 and your -- you actually prepare an inventory of all
13 the bones that you can account for?

14 A I do.

15 Q And do you have any explanation for why there
16 are missing bones? What could those explanations be?

17 A Well, probably many of the bones are -- are
18 made up of the undifferentiated human bone that I could
19 no longer piece together. So there are fragments of
20 vertebrae there, so parts of your spinal column that I
21 couldn't tell were from the neck or from the chest or
22 from the waist.

23 So I used the term "undifferentiated," which
24 is the standard in our field when we can't specifically
25 identify where in the human body it came from. The

1 same with the ribs.

2 And so I really had to focus on the bones
3 that were nearly intact in order to do my analysis,
4 first for the identification and -- and then as trauma
5 analysis.

6 Q All right. So let me move to the analysis
7 you did with regard to identification. From the -- the
8 remains that you saw, can you determine anything just
9 from looking at the remains about the age of the
10 person?

11 A I can. So right away, her thighbones, her
12 femurs, were most intact. And I could see that her --
13 the head of her thighbone, the femoral head, was fused
14 to the shaft of the bone, as were the knee end of her
15 bone. So I knew that, you know, she was at least 16.
16 And really, as I started looking at all of the age
17 indicators, then I started to move from 16 to 18 to
18 early 20s and come up with that she was an adult, yes.

19 Q Okay. Did you -- was early 20s where you
20 stopped?

21 A It is.

22 Q Okay. And were you able to determine the sex
23 of the remains that you had analyzed?

24 A I did. I estimated sex by looking at the
25 parts of the pelvic bones that were still intact, and

1 then also, luckily for us, we still had the femoral
2 head intact. So I was able to measure that. I was
3 able to measure part of the bone of the shoulder. And
4 those measurements fell in line with a female.

5 Q And just -- if you could elaborate on that
6 for us, you're using measurements. Are you comparing
7 those to something?

8 A I am. So there are established samples out
9 there with established statistical likelihoods. And so
10 I applied those statistics to these measurements to
11 show that she fell within the female range. So I
12 estimated the skeleton was female.

13 Q And what, if anything, did the bones tell you
14 about these remains, ancestry?

15 A May I turn to my report again?

16 Q Would it refresh your recollection?

17 A Thank you.

18 So I had looked at the traits of her mid
19 face, and I had seen that the joints of her skull were
20 simple, that she had all of the characteristics that
21 one would attribute to someone of European or white
22 ancestry. She also had a dental trait on her tooth, so
23 on the tongue side of her upper first molar, she had an
24 extra cusp. That's called a "cusp of Carabelli" or
25 "Carabelli cusp." And that --

1 Q Can you spell that for us?

2 A Sure. That is C-A-R-I-B-E-L-L-I [sic] for
3 Carabelli. And that is a cusp that we tend to see in
4 folks of European ancestry.

5 Q Okay. And -- and can you tell us anything at
6 all about the stature of the remains you observed?

7 A Yes. Because her femora, her thighbones, in
8 particular were so well-preserved, I was able to
9 measure those, and the stature came out to be between
10 four-foot ten and five-foot five, which, as I
11 understand, was consistent with her known living
12 height.

13 Q All right. So let me -- let me switch our
14 focus to injuries. Were you provided with any
15 information about any premortem or pre-death injuries
16 that Bonnie Haim had?

17 A At the time, no.

18 Q Okay. Go ahead.

19 A But by looking at the bone, I -- and the
20 skeleton, I noticed that one of her forearm bones had
21 unusual bowing to it, and in the course of my
22 examination, we radiograph or x-ray all of the bones.
23 And I could see a well-healed fracture. And so I was
24 able to communicate that with medicolegal death
25 investigators to let them know that there was a healed

1 fracture. And I believe they were already working on
2 finding medical records and X-rays, but this was
3 something that would help flesh out the ID process.

4 Q Is that healed fracture something that you
5 can see with the naked eye on -- the bowing that you
6 refer to on the -- on State's Exhibit 137?

7 A Not in its best form in that picture,
8 unfortunately.

9 Q Okay. All right. But did you confirm that
10 Bonnie Haim actually did, in fact, have a fracture?

11 A She did. She had fractured her forearm bone,
12 the ulna -- so I'm touching it right now, where it
13 would be -- when she was -- I think she was ten. And
14 so there was a medical record of evidence of that
15 fracture.

16 Q All right. Let me -- let me change the focus
17 to what happened perimortem or at or about the time of
18 her death. Did you observe any evidence of any
19 perimortem defects?

20 A I did. I noted on one of her hip bones that
21 there was a circular perimortem, P-E-R-I mortem, defect
22 to the hip bone.

23 Q All right. I'm showing you State's 135. But
24 first let me ask you the technical name of the bone
25 that you observed this defect on.

1 A So this is the ischium, I-S-C-H-I-U-M. And
2 it's one of the three bones that make up each side of
3 your pelvis.

4 Q Okay. Would you be able to -- and I hate to
5 ask you to do this, Doctor. But could you stand up and
6 just point to where that is on a normal person?

7 A Sure. All right. So you would have to
8 imagine my hand passing through my pubic bone and my
9 little bit of fat here and then going through my organs
10 and then hitting the back side -- the front side of the
11 back pelvic bone.

12 Q All right. So this is the -- I'm going to
13 use the word "inside." But what's the medical term
14 that you would use for the side of the bone?

15 A I used visceral, which is organ side.

16 Q And organ side means this is the side of the
17 bone that's closest to your organs?

18 A Yes.

19 Q All right. So can you walk us through how
20 you, as a trained, educated forensic anthropologist,
21 can tell that this particular defect you're observing
22 is a perimortem defect? And feel free to draw on the
23 picture as much as you need to.

24 A Okay. Perimortem change in bone is a
25 category that we use to identify when collagen is still

1 present in the bone. As -- so as a consequence, the
2 bone still has elastic characteristics. So it has sort
3 of a rebound effect. And I contrast that with
4 postmortem change. So you can imagine taking a China
5 plate from your cabinet and dropping it and it
6 shatters. That's not the way that collagen reacts in
7 bone. It would help sort of keep that plate or that
8 bone together with those small collagen fibers.

9 And so thinking about elasticity and the bone
10 still having living characteristics of elasticity, what
11 we focus on specifically is the circular defect itself.
12 But as you look at the margin here, you've got a
13 radiating fracture. That tends to be something that we
14 see with bone that is alive or still has the green
15 characteristics with it.

16 And then as we look at the defect itself, you
17 see almost like an eggshell short of cracking here and
18 those are comminuted fractures. Some of them are also
19 hinge fractures or greenstick fractures. So greenstick
20 and hinge fractures are synonymous so they're synonyms.

21 And imagine a swinging of a door, where
22 the -- you have the axis of rotation for the door. You
23 can open and close it, but the door doesn't completely
24 fall away from the railing for the door. That's the
25 same thing that we see inside this circular defect.

1 Q And, Dr. Walsh-Haney, is there anything about
2 the -- you told us about the -- the -- I'll say
3 non-jagged edge. They don't look like the sutures we
4 saw on the skull. Is there anything about the
5 coloration of the edges that -- that contributes to
6 your opinion?

7 A Absolutely. All -- all the color of the
8 edges is the same. From this site of injury to the
9 rest of the bone around it that hadn't had postmortem
10 fracturing, it's all the same color, so we know that
11 the decomposition process has been the same for those
12 fracture margins as it was for the rest of the bone
13 that wasn't fractured.

14 And then if you look at the other margins
15 where there are postmortem breaks, you can see that
16 those margins are bright white. So they have not been
17 exposed to the environment at the same rate as the
18 impact on the center of the bone.

19 Q Let me show you State's Exhibit 120. And I
20 think you're going to tell me the same thing you just
21 told me about the edges of the bone we were looking at.
22 This is the picture of the piece of the skull. Are we
23 seeing the same kind of evidence of a postmortem break
24 that you just described on the edges?

25 A Yes, sir. There -- I mean, it's just every

1 margin that's fractured. This still has soil in it, so
2 it's a little harder to see. But yeah.

3 Q And how do you tell the difference between a
4 perimortem defect like you just showed us and an
5 antemortem like the fracture in the arm? What -- what
6 are you observing that's different about that kind of
7 defect than you would observe in bone --

8 A That's a good question. Antemortem has a
9 cellular response. So I've seen the bone cells go to
10 the area. So they're either taking away bone or
11 building bone. And that can -- that will leave etching
12 in the bone, or it will leave little tiny walls in the
13 bone. But it is a cellular response that is absent in
14 the perimortem interval and, of course, postmortem.

15 Q Would a layman's description of that be that
16 the perimortem -- I mean -- I'm sorry -- the antemortem
17 injury is starting to heal?

18 A Yes.

19 Q I have just a few more questions, Doctor.
20 You -- you did not participate in the excavation, and
21 so you were not asked to give any opinions about
22 primary and secondary grave sites?

23 A Correct.

24 Q Are there -- is there -- with regard to a --
25 if something was a secondary grave site, you mentioned

1 earlier about seeing insect activity that starts in the
2 skull?

3 A Uh-huh.

4 Q If -- if -- if this were a secondary resting
5 spot, are there things that you would expect to see,
6 even in the analysis that you did?

7 A Yes. I would expect to see the evidence of
8 forensic insects, the pupae, the -- the wings, the
9 little bodies of terrestrial insects because we know
10 that they can -- they come -- the females can come to a
11 body within, you know, minutes of death. And I saw no
12 evidence of the insects of forensic significance on the
13 remains.

14 The other thing that was absent is evidence
15 of scavenging. I didn't see any rodent changes on the
16 bone. I didn't see any little punctures or pits
17 associated with other types of scavengers.

18 Q All right. And then one final set of
19 questions. Let's say that the body had been placed in
20 a freezer. Would you still see all that change going
21 on, or would that be a different -- different type of a
22 scenario?

23 A Well, the -- the freezer would prohibit,
24 initially, the access of the insects.

25 Q Okay. If -- if a body were frozen and then

1 buried -- and I hate to use a term like this. But
2 would the body have to thaw out before you could
3 manipulate it?

4 A Oh, I see what you're saying. Yes.
5 Otherwise, the remains would be very heavy. You would
6 need help.

7 Q All right. Would it be heavier if the body
8 was frozen?

9 A Yes. And I know that from my own experience.
10 Going to Medical Examiner's Offices, we often think
11 about them having refrigerators. But for the cases
12 that I often evaluate, they're badly decomposed and
13 malodorous. They smell very bad. So the medical
14 examiners have freezers, and they put those victims in
15 the freezer. And I need to look at them, and to move
16 them, you know, it takes a couple of graduate students
17 and me to really -- to move them around. And then to
18 do my analysis, I have to wait for them to thaw.

19 MR. HEAVENER: Can I have just a moment,
20 Your Honor?

21 THE COURT: Yes, sir.

22 MR. HEAVENER: Nothing further, Your
23 Honor.

24 THE COURT: All right. Cross?

25 CROSS EXAMINATION

1 BY MR. FALLIS:

2 Q How are you doing, Dr. Haney?

3 A Good afternoon.

4 Q Dr. Haney, let's start where you just left
5 off.

6 THE COURT: Mr. Fallis, before you
7 start --

8 Do y'all want to stand up and stretch
9 real quick, if you want? We're going to go
10 through this witness and then take a break.
11 But if -- you're good?

12 Okay. Go ahead, Mr. Fallis.

13 BY MR. FALLIS:

14 Q Let's start off where you just left off and
15 go back again. Okay? We're talking about a body
16 that's 22 years later, ma'am. And you said you -- if
17 this were a secondary grave, you would expect -- if it
18 wasn't a secondary grave, you would expect to see
19 insects, wings and things like that. We're talking
20 22 years later, ma'am. Okay? So are you telling this
21 jury that this -- all that you talked about, the insect
22 wings and stuff, could not have been at a primary grave
23 and then been brought here without those, without the
24 insects and whatever it is you're looking at or looking
25 for?

1 A I believe I was saying or trying to say that
2 if a body is left on the surface, the insects of
3 forensic significance will land, and when someone
4 buries the -- the remains after they've been out on the
5 surface, the evidence of those insects, if it's
6 excavated properly, will still be there.

7 Q Okay. So say it was buried somewhere else.
8 Okay? Maybe four or five years later, it was reburied.
9 You wouldn't expect those insects to be still on the
10 body of the area that did -- were it is they do in the
11 primary grave, would you?

12 A You know, I've had cases like that and I've
13 still found insect evidence.

14 Q I'm sorry?

15 A I've still found insect evidence.

16 Q Not all the time, though, did you?

17 A No, not all the time.

18 Q Okay. So what you just said, in effect, is
19 not, quote, an absolute, is it?

20 A No.

21 Q Thank you.

22 Now, you talked about perimortem and
23 postmortem injuries. Okay? Now, in the event that
24 this, quote, indentation or defect whatever you want to
25 call it -- okay? -- happened after death, that's a

1 possibility, isn't it?

2 A Yes. So remember, perimortem means at or
3 around the time of death so that the bone still has the
4 elastic characteristics.

5 Q But this damage could have been done, if, in
6 fact, it was done, if your opinion is correct -- it was
7 a -- could have been done after death and had nothing
8 to do with, quote, a bullet or anything else, isn't
9 that true?

10 A Within hours to days, yes.

11 Q Okay. Well, around the same time, after the
12 death, say the death was caused by something else and
13 then there was that damage done afterwards. Then that
14 would still be consistent with your theory, would it
15 not?

16 A Yes.

17 Q Now, you said that you picked up -- well, you
18 didn't pick up that casing. Okay? You don't know
19 where it came from -- do you? -- in relationship to the
20 grave.

21 A I do not. It came from the box of soil and
22 bone, absolutely right.

23 Q And you realize that that box of soil is a
24 result of eight-by-eight-foot dig.

25 A I didn't realize that the absolute size of

1 the dig was eight feet by eight feet, no. But it came
2 from the soil of the dig, yes.

3 Q Well, you did a drive-by, right?

4 A I did.

5 Q As you described it at one time.

6 A I did, yes.

7 Q And you were not really actively involved,
8 but you wanted to put your two cents in if you could,
9 correct?

10 A I wanted to help.

11 Q I understand. And that was obviously
12 something that you would probably want to do.

13 However, you were originally asked about how
14 this excavation was done. And you said the ideal
15 method, of course, if they had someone like yourself
16 there would be one way. Then you said, quote, they
17 tried. And I couldn't help but look at the expression
18 on your face, which indicated to me that you were not
19 very satisfied as to the way this excavation was done.
20 Is that a good characterization of what you felt?

21 A Yes.

22 Q Okay. Now, you tell us the importance of and
23 the types of things that may be happened here that
24 shouldn't have happened during that excavation that
25 could have been avoided. (Inaudible) that kind of

1 thing as to where I'm going, so you can go right there
2 if you'd like.

3 A There -- well, for me, it's really the
4 mechanical removal of the soil that is so very
5 important. And I think we've touched on it already
6 this morning, where we talked about the different
7 grades of sandpaper and knowing when -- it takes a lot
8 of training to know in the skeletization process when
9 bones start to look like soil, where the bone ends and
10 the soil begins.

11 So that's -- that's the big issue. It would
12 take someone with a lot of experience in excavations.

13 And then, of course, there's, you know, the
14 nerdy part of it, where I want to look at the Munsell
15 soil cards, and I want to use those probes so that I
16 understand the soil better.

17 Q Explain to the jury why. We've had a
18 discussion before but please explain to the jury why
19 that's so important if you're trying to recreate that.

20 A That's important because the crime scene
21 processing by its nature is a destructive process. So
22 you need to have the people that can analyze those or
23 understand those lines of evidence in that location at
24 the time, that really, the scientific process of
25 destruction is happening. We can't just leave the

1 remains inside the hole. We have to go through the
2 process of removing the soil, and through that
3 analysis, it's inevitable that some of that bone is
4 going to flake away and disappear. And so you need
5 someone with expertise to help document those changes
6 there and really set the standard for how the soil, as
7 we move deeper and deeper, should be evaluated relative
8 to the bone.

9 Q Now, you would agree that when this skeleton
10 was removed from the excavation site, it was not in
11 anatomical order, was it?

12 A There are -- there's an issue with
13 understanding what I mean by anatomical order or
14 anatomical position. So there is a standard in the
15 science of studying bone in the human body, for
16 example, that anatomical position is a position that we
17 have on our figures. It is where no bone in your body
18 is crossed. So it would be me standing up, facing you
19 and where my palms are out and my face is straight
20 ahead and my toes are facing forward.

21 If I was to relax my palms, for example, what
22 ends up happening is the forearm bone on my thumb
23 rotates over the pinkie side. Or I may cross my legs,
24 or my head may dip off to the side. So that would not
25 be in an anatomical position for understanding

1 scientific figures.

2 But the other type of anatomical position
3 we're talking about is how the bones fit together in
4 our body. So, for example, in this buried body, as I
5 understand it and looked at the image just now with you
6 is that the remains, at least the waist and the legs
7 are on their side and the knees are flexed. That's
8 still in anatomical position. Those bones are where
9 they should be anatomically, but it's not as though
10 it's the -- the anatomical position we use for our
11 figures in science.

12 Q Okay. But some bones were found where they
13 shouldn't be, correct?

14 A Yes.

15 Q Which would also be an indication that this
16 body may very well, after it had skeletonized -- well,
17 you say it.

18 A Skeletonized.

19 Q Thank you.

20 And perhaps moved at that time and was not
21 moved intact, correct? 'Cause I don't (inaudible)
22 secondary or tertiary burial because that's something I
23 don't think you've done before. Okay? Am I right?

24 A Well, because I wasn't part of the
25 excavation, I cannot --

1 Q Right.

2 A I wouldn't have a finding as to primary or
3 secondary. But what I can tell you is that from
4 looking at the grave photos that we just saw, where the
5 head was and where the hips were, the knees and the
6 ankles, that follows anatomical position where the
7 remains are put in the hole with head here, feet here.

8 Q Okay. But it doesn't mean that it was put
9 there in that position.

10 A It does.

11 Q Well, let me finish. Maybe I didn't word it
12 correctly.

13 The fact that the bones were scattered --
14 okay? -- different areas -- all right? -- means that
15 somehow or another, they were not, quote, joined
16 together. There is a -- I think it was the femur that
17 was up above the ground that was taken out later after
18 the rest that was taken out, and there were only
19 fragments that maybe shouldn't have been where they
20 should have been. All I'm trying to get at, this thing
21 was not -- this -- this skeleton was not intact. Is
22 that fair to say?

23 MR. HEAVENER: Objection, Your Honor.

24 That mischaracterizes the prior testimony.

25 MR. FALLIS: I didn't hear the

1 objection.

2 THE COURT: He said you mischaracterized
3 her testimony. So why don't we just start
4 again? Because it was a very long question.
5 See if you can break it up.

6 MR. FALLIS: Sure.

7 THE COURT: Might make it easier to
8 follow.

9 MR. FALLIS: I'd be happy to do that.

10 BY MR. FALLIS:

11 Q I think we started out saying that it was not
12 in anatomical order, whatever you want to call it.
13 Okay? And some bones were where they maybe shouldn't
14 have been -- okay? -- 'cause they were in different
15 places, correct?

16 A They were in different places on the surface
17 postmortem from the recovery process.

18 Q All right. Now, once again, getting back to
19 that circular, quote, defect -- okay? -- which -- and
20 you said that it could be consistent with something
21 that happened after death as opposed to pre death. You
22 had a -- quote, a casing of a -- looks like a bullet
23 but you're not a ballistics kind of person, are you?

24 A No.

25 Q Okay. So you don't have any -- any real

1 knowledge of -- of ballistics or guns or weapons,
2 right?

3 A I know how to interpret a gunshot defect to
4 bone.

5 Q Well --

6 A But I'm not -- I'm not a ballistics expert or
7 a firearms examiner.

8 Q You were not saying 100 percent, this was a
9 gunshot defect.

10 A Correct.

11 Q Correct? Let's get that -- let's get that
12 straight.

13 Now, that piece of metal you thought may be,
14 quote -- you said bullet. I think you meant
15 projectile, right?

16 A Yes.

17 Q Okay. Well, a ballistics person had looked
18 at it and they ruled that out. Would that surprise
19 you?

20 A No. I mean, I look for things that are
21 unusual around the remains, and I know to put them
22 aside.

23 Q All right. Do you know that it was not even
24 lead?

25 A I have -- I have no idea.

1 Q Okay. No. I just want to make sure you
2 understood that because that came after your --

3 A Thank you.

4 Q Now, 'cause, again, normally, if there's any
5 evidence of a gunshot wound, you see whatever. You
6 were ready with opaque material that looked like
7 visceral or that sort of thing, correct?

8 A Correct.

9 Q And that wasn't present there, was it?

10 A No. Because most of the bone had either been
11 destroyed during the recovery process or dissolved into
12 the soil matrix.

13 Q Okay.

14 Okay. Given -- by the way, given your
15 impressive résumé and your testimony, which I think you
16 said you've done many times, it's always been
17 testifying on the part of the State, is that correct?

18 A No.

19 Q When did you start testifying on part of the
20 defense?

21 A Just the last couple of years.

22 Q Okay. Well, as of July 14th, 2017, up to
23 that point, you were strictly testifying for the State,
24 correct? I'm talking in criminal cases.

25 A Yes. Although defense counsel would call me

1 in to review cases but then not use me at court.

2 Q Okay. But --

3 A So I have reviewed defense cases.

4 Q I'm talking about coming in to court to
5 testify.

6 A Oh, coming to court to testify.

7 Q So have you come to court to testify for the
8 defense since July of '17?

9 A No.

10 Q So you still have only testified for --

11 A Correct, correct.

12 Q All right. As a matter of fact, you have a
13 pretty close relationship with law enforcement, do you
14 not?

15 A I have a close relationship with all the
16 stakeholders who hold science to its highest level, and
17 I will -- you know, my work for the most part is pro
18 bono. And if -- that's why I'm willing to work with
19 defense counsel, if they need me. I'm willing to work
20 with the State Attorneys if they need me.

21 Q But --

22 A So either.

23 Q That wasn't my question. Okay? I asked you
24 about your relationship with law enforcement. And you
25 said you have a relationship with a whole bunch.

1 I'm talking about -- you've taught law
2 enforcement officers, correct?

3 A Oh, yes, I do. I have a good relationship
4 with law enforcement, yes.

5 Q Okay. That's all --

6 A And with attorneys.

7 Q I'm not saying you don't have any friends.
8 That's not what I'm saying.

9 A Okay.

10 Q Okay. Now, let's talk a little bit about
11 primary and secondary graves. Okay?

12 In this case, you cannot tell us or tell
13 us -- I mean, the jury -- you can't tell that --
14 whether or not this was a first, a secondary or even a
15 tertiary grave site, can you?

16 A Correct.

17 Q So, in fact, this body could have been buried
18 somewhere else and reburied and you can't rule that
19 out.

20 A If the time period between the two burials
21 was very short, I cannot rule that out.

22 Q Now, if, in fact, this death occurred in 1993
23 and you or someone of your stature was called in '96 to
24 examine the grave site, would there be a lot more for
25 you to work with to determine maybe?

1 A I don't think so. I think that, you know,
2 the -- the -- if the excavation is done properly that
3 the lines of evidence that come out of a grave are
4 myriad and that from '96 to 2017 that we would have
5 been able to recover more of the skeletal remains.

6 Q Getting back, again, to primary, secondary,
7 tertiary grave sites, isn't it more consistent with a
8 secondary burial, when bones are not found in
9 anatomical position?

10 A Yes.

11 Q And you agree that this skeleton was not
12 found in anatomical position.

13 A I don't completely agree with your statement.

14 Q I'm sorry. I thought you did say that it
15 wasn't --

16 A So the -- the remains were the head, the
17 thorax, the legs and the ankles. That all connects
18 anatomically. But the parts of the cranium that were
19 disrupted and put on the surface, the humerus, the
20 upper arm bone that was pulled out and handled by the
21 medical examiner, those were not -- no longer in
22 anatomical position, and that's because of the
23 excavation process. But that does not mean it was
24 something that happened at the time of the burial.

25 Q Well, you can't say that, for sure, it was

1 in, quote, excavation.

2 A I can because we have -- we have postmortem
3 breakage on those margins.

4 Q Well, you say that. When I said that you
5 can't say for sure, all you know is that bones were
6 found not where they should be, right?

7 MR. HEAVENER: Objection, argumentative.

8 THE COURT: Overruled.

9 THE WITNESS: Yes.

10 BY MR. FALLIS:

11 Q Okay.

12 And once again, to make the analysis and to
13 come to a more positive position as to how many grave
14 sites this body might have been subject to, had this
15 excavation been done properly, you would have probably
16 been able to give a more definitive opinion on that,
17 correct?

18 A Yes.

19 Q And that's not anything we can go back and do
20 now, is it? We can't do that now -- correct? -- give a
21 more definitive opinion 'cause I think you just said
22 that we can't rule out the fact that this could be a
23 secondary or a tertiary.

24 A I need to be honest with you. I don't know
25 if the site is still there and if there are finger and

1 hand bones still in the grave. But without a proper
2 excavation, you know, it can't be ruled out.

3 Q Well, maybe one of the reasons that some of
4 the bones -- you said some dissolve, right?

5 A Uh-huh.

6 Q They're eaten or -- by scavengers, right?

7 A Uh-huh.

8 Q Taken away. This body, unfortunately, was in
9 a very shallow grave, correct?

10 A I don't remember the depth.

11 Q You don't remember?

12 A But I know that it was under cement. It was
13 under breaks, then under soil.

14 Q Well, it was under what has been described
15 as, quote, a brick platform with some cement covering
16 it. Okay? However, it -- the depth, I think I
17 heard -- we heard testimony, maybe it was, like, one
18 and a half feet or two feet at the most -- excuse me --
19 from the surface. Now, you consider that a shallow
20 grave.

21 A I would definitely consider that a shallow
22 grave.

23 Q Would -- that shallow grave, would that be
24 exposed to the animals that you -- you talked about?

25 A It definitely could be, which is so

1 surprising that, for example, her mandible is still
2 there and single-rooted teeth are still there and, you
3 know, parts of her hands and feet are still there.
4 Because, in essence, if it was so shallow, then
5 scavengers would have had access to it and removed
6 those pieces that were in the grave.

7 Q You're saying -- you're saying that a
8 two-foot shallow grave, animals would have access?

9 A They could potentially. I believe I'm
10 building off what you said, and they could have access
11 to a shallow grave, yes.

12 Q So I was just asking if that was possible.

13 A It is.

14 Q I wasn't suggesting it was. I was asking
15 whether it is possible.

16 A Sure, yes.

17 Q Okay.

18 A But also think about in this context, there
19 is the cement and there are the bricks there.

20 Q There's what?

21 A The cement and the bricks.

22 Q Well, the cement and bricks are only on the
23 top. They weren't -- I'm sorry. Maybe it wasn't,
24 quote, a cement, like, tomb. All there was one level
25 of bricks with some cement laid on top. Okay? The

1 rest of it was all exposed.

2 A Okay.

3 Q Did you not know that?

4 A I didn't.

5 Q Okay. Now that you know that -- all
6 right? -- is your opinion that animals could have very
7 well gotten -- gotten into this shallow grave and
8 removed some of the missing bones?

9 A Well, I'm thinking of the picture that was
10 shown to us this morning where I saw a rather tall
11 fence around the backyard, and immediately next to that
12 fence was the shower. And I saw grass covering the
13 unexposed areas. That grass was intact. It looked
14 bright green. I didn't see, you know, any change or
15 evidence from animals there. I don't -- shallow graves
16 in an outdoor environment absent a fence in a wooded
17 area can be visited by scavengers, yes. But we're not
18 dealing with a burial that's out in a wooded area.
19 You're dealing with a burial next to a home behind a
20 very tall fence. So it's unlikely that it would be
21 scavenged.

22 Q Okay. So it's unlikely animals would have
23 gotten to it is what you're saying, correct?

24 A In that particular context, yes.

25 Q Okay. And you said that you thought -- you

1 said that one of the reasons we don't have all the
2 bones is because they dissolve is what I think you
3 said.

4 A Well, yes, in laypersons' terms. I think
5 that, you know, when we go back and we think about the
6 image that I took in the laboratory on the black
7 velvet, where you see the boxes of soil and bone,
8 there's a lot of tiny pieces of bone in those boxes
9 that I did not have the time to recover, and they were
10 not of such a state where I could match them and
11 continue to build the puzzle of, you know, Bonnie's
12 skeleton. You know, those -- a lot of her bones are so
13 tiny and yet recovered, I can't parse them out into
14 neck vertebrae, rib, foot, hand. They're all too
15 small.

16 Q Well, another explanation would be that
17 perhaps if it was, in fact, a secondary or a tertiary
18 grave, some of those bones could have been left at the
19 original grave -- correct? -- and not transported back.

20 A The bones of the body, the thorax, those
21 would be some of the last to decompose.

22 Q Correct. I'm sorry. I should have prefaced
23 it. I was trying to say, like, the feet and that sort
24 of thing. They would -- could very well have been left
25 at an original grave and not been transported to the

1 secondary grave, correct?

2 A Yes. Some of the toe bones, yes.

3 Q Right.

4 And if there were shoes, they could have been
5 left them in the shoes too, right?

6 A Yes. But we do have -- if -- if she was
7 wearing shoes and the animals took the shoes with the
8 foot in them, it would be unusual for us to have -- we
9 have the big toe. We have the bones that make up the
10 arch of the foot. We have the bones that make the
11 heel. So it is -- it would be unusual for animals to
12 have taken the shoes and only part of her foot.

13 Q Well --

14 A The -- the feet should go with the shoes.

15 Q Well, in fact, though, if they were left or
16 lost or left behind, still an explanation why they're
17 not there.

18 A They were no shoes as far as I know of.

19 Q Right. And so the bone was not there because
20 that could have been lost in the transportation or the
21 de-excavation, we'll say, right?

22 A Correct.

23 Q All right.

24 Let's talk about the clothing. You said that
25 nonsynthetic stuff will dissolve, is that right?

1 A Yes.

2 Q Okay. Now, you were shown this elastic
3 synthetic thing that had a size -- I think you said
4 extra large on it, if I'm not mistaken.

5 A Yes.

6 Q Any idea as to what that was attached to?
7 Could that have been attached to the -- to those pants?

8 A I think I remember seeing a tag in the pants
9 and that --

10 Q Oh, I'm sorry. It was medium on the pants.

11 A Yeah.

12 Q Well, that elastic, what -- what possibly
13 could that have come from?

14 A It looked to me like it came from a Fruit of
15 the Loom T-shirt, size extra large.

16 Q I'm sorry?

17 A A Fruit of the Loom T-shirt, size extra
18 large.

19 Q With elastic in it?

20 A So the elastic is actually part of the thread
21 or the synthetic fiber is part of the thread that's
22 used in the cotton T-shirt.

23 Q Well, you said a cotton T-shirt can't have
24 any elastic.

25 A I think I -- we might be confused on the term

1 "elastic" versus "synthetic."

2 MR. HEAVENER: I object, Your Honor.

3 THE COURT: Grounds?

4 MR. HEAVENER: I think Mr. Fallis said
5 elastic. I don't think the witness has ever
6 said that.

7 THE COURT: I think that's true. So why
8 don't you re-ask the question, Mr. Fallis, so
9 we make sure we're talking about the same
10 thing.

11 MR. FALLIS: I apologize. Trust me, I'm
12 not --

13 THE COURT: Ask the question.

14 BY MR. FALLIS:

15 Q All right. This elastic that we saw --
16 okay? -- we don't know because there's no fabric
17 attached to it. We do not know what type of garment it
18 came from -- do we? -- to any degree of certainty.

19 A Based upon my vision of the label that was
20 attached to the synthetic threading, it is an extra
21 large Fruit of the Loom T-shirt where the cotton fabric
22 dissolved and leaving the synthetic fabric that used
23 the stitching from going up the trunk of the shirt,
24 around the arms and around the sleeves. That's what it
25 looked like to me.

1 Q Well, Fruit of the Loom makes other things
2 besides T-shirts, don't they?

3 A Oh, they do.

4 Q Okay. I'm sorry. But I'm not very
5 experienced with a T-shirt with elastic in it?

6 THE COURT: She didn't say elastic.

7 That's the objection. Synthetic, not
8 elastic.

9 BY MR. FALLIS:

10 Q Now I really want to get to the bottom line
11 and establish two things. Okay? Then I'll be done.
12 Bottom line -- okay? -- is that you cannot say that
13 this is (inaudible), correct?

14 (Brief interruption by the reporter.)

15 BY MR. FALLIS:

16 Q You cannot say that, in fact, that
17 indentation defect is a result of a bullet hole?

18 A No. All I can say is that it's a perimortem
19 injury.

20 Q All right. We already talked about that.
21 And then you cannot rule out that this, in fact, is a
22 secondary or a tertiary burial site.

23 A Because I was not part of the excavation, I
24 cannot rule that out.

25 Q The question is you cannot rule out the fact

1 that this could be a secondary or tertiary burial site.

2 A Correct.

3 Q Okay.

4 MR. FALLIS: I have no further
5 questions.

6 THE COURT: Redirect?

7 MR. HEAVENER: Briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. HEAVENER:

10 Q Dr. Walsh-Haney, Mr. Fallis asked you some
11 questions about the depth of the grave and animals
12 digging and -- and disturbing the remains. Did you
13 have any knowledge that subsequent rentals of the
14 property included provisions that animals had to be
15 kept in the master bedroom? Did anyone tell you that?

16 A No.

17 Q Okay. With regard to the defect that you
18 observed, I want to take you back to the photo you took
19 of the perimortem injury.

20 I'm having technical difficulty. Sorry.

21 A I did it.

22 Q Can you explain to the jury why this
23 particular injury could be a gunshot? I'm going to use
24 the word "defect" instead of the word "wound," why it
25 could be defect from a gunshot?

1 A It could be a gunshot defect because it is
2 circular in shape. It has comminuted fractures in the
3 center. It is actually also a depressed fracture. It
4 has radiating fractures and that it's in the perimortem
5 interval, because of the way the bone has maintained
6 the -- the fracture margins, I mean, if we -- if we
7 could, we could reconstruct this image and the bone
8 would fit back beautifully because of the way that it
9 broke when the bone was fresh. You've got all the tiny
10 little pieces there and pieces within pieces, whereas
11 when the bone breaks postmortem, as you can see here,
12 there were tiny pieces that I couldn't -- you would
13 touch it and yet another tiny piece would break off the
14 tiny piece. And you can't get those pieces back
15 together.

16 Q And why -- you used the word "radiating
17 fracture." Why is that consistent with a gunshot
18 wound?

19 A Because it's showing that the bone is still
20 strong enough and has enough elastic characteristics to
21 allow the bone to fail but not completely so that the
22 fracture moved through the bone, but it didn't cause a
23 chipping effect.

24 Q Dr. Walsh-Haney, with regard to the defect
25 that you observed, are you competent to give any

1 opinion about projectile trajectory, like, the
2 direction a bullet was traveling?

3 A If I have more of the remains that are
4 intact, typically what I'll do with a gunshot injury is
5 I can track the path of the bullet, where, you know,
6 for something like this, it might have passed through
7 the other pelvic bone, and I would see a gunshot
8 entrance. The bullet starts to lose momentum, and then
9 it doesn't have enough energy to actually poke through
10 the other bone and exit. So then I could follow that
11 trajectory.

12 In this instance, because I know of the -- I
13 know the anatomical location; I know where the ischium
14 sits in the body, I know it didn't come from behind,
15 this -- this entrance. But I cannot -- because of the
16 rest of the bones are not there, I cannot give you a
17 clear trajectory.

18 Q All right. And in addition to trajectory,
19 are you able to provide any opinion about whether the
20 defect you're observing could have resulted from a
21 ricochet?

22 A I -- I cannot. But if this is indeed a
23 bullet wound, this injury shows -- suggests to me that
24 there were intermediary targets, that the projectile
25 started to lose momentum so that it couldn't actually

1 perforate or penetrate completely this bone.

2 Q And with regard to this potentially being a
3 marking from a bullet, this defect, can you give
4 opinion as to something else that it may have been? Is
5 there anything else that you can think of it could be?

6 A It is some sort of projectile or implement
7 that is no greater than 8.5 millimeters in diameter.

8 Q Is it possible this could be a pebble pushing
9 against that bone in the grave site?

10 A If it was shot out of a gun, maybe. It is
11 not the result of a pebble leaning against the bone.
12 Because remember, this is a perimortem injury. So the
13 pebble, in the postmortem interval, would be wearing
14 away the soft tissue, the fat, the intestines and then
15 still pushing on the bone, all while it has perimortem
16 characteristics. That's not what's happened here.
17 These are remains that are inside a burial. Buried
18 bodies even take longer to decompose than bodies on the
19 surface. The pebble would have to be -- it would have
20 to have great momentum and great force to impact the
21 ilium like that -- or ischium, rather.

22 MR. HEAVENER: No further questions,
23 Your Honor.

24 MR. FALLIS: Your Honor, I've got
25 recross.

1 THE COURT: You do?

2 MR. FALLIS: Yes, I do.

3 THE COURT: Okay. Go ahead.

4 RECROSS EXAMINATION

5 BY MR. FALLIS:

6 Q Not to belabor the point. However, I thought
7 we had agreed or we -- you had testified that you
8 cannot say this was a bullet.

9 A Correct.

10 Q A bullet, is that correct?

11 A Correct.

12 Q All right. And that's your "final" final
13 word. You cannot say this was a bullet.

14 A I cannot.

15 Q All right. And you talked about trajectories
16 and things like that. If this were, quote, a
17 close-range shot, you would anticipate, because this
18 bullet only had to go through soft tissue, that it
19 would make more of an indentation on that bone than it
20 had.

21 A Not necessarily. I mean, you have -- I think
22 of my own torso. You know, the soft tissue is a
23 barrier, and it is going to slow the projectile down.
24 Plus we also have to think about material or other
25 secondary materials that the bullet may have passed

1 through.

2 Q When you say "secondary," we're talking about
3 if somebody were to shoot somebody at close range.
4 Okay? You would expect, if this were, in fact, a
5 bullet, it would probably penetrate or at least make a
6 lot more indentation on that ischium than what you see
7 here.

8 A Unless it was a .22. Something of a smaller
9 caliber isn't going to have that much momentum.

10 Q And would it be your testimony that, in fact,
11 that's -- from the ballistics, that's not even possible
12 that's a .22. Would that change your opinion?

13 A If a ballistics expert --

14 Q Yeah, told you that that indentation was not
15 made by a .22, somebody who knows about guns, unlike
16 ourselves.

17 A I hope that the ballistics expert has taken
18 into account how the bullet will deform, how it may go
19 through different body tissues that 'cause it to deform
20 and hopefully that it didn't take another piece of bone
21 with it when it impacted the ischium. That's what I
22 would hope the ballistics expert knew.

23 Q Okay. Well, I think they know how large a
24 projectile is on a .22, right?

25 A Yes. But I'm not trying to be argumentative.

1 But they know how to measure bullets, and they know how
2 to measure entrances into materials. But do they
3 understand how bone changes with a gunshot? And I'm
4 not -- I'm not convinced that they have to completely
5 understand the human body and how that bullet will
6 deform inside the human body and how other parts of --
7 that the bullet impacts can cause or create diameter --
8 circular diameter that might be larger than what they
9 would expect in a piece of plywood.

10 Q We're not talking about just diameter. We're
11 talking about the depth that it went into -- into the
12 bone.

13 A I would think even that would speak as well
14 as to the depth of the bone because once that bullet
15 leaves the muzzle of the gun, it starts decreasing in
16 velocity. And if it's passing through a lot of soft
17 tissue; it's passing through muscle; it's passing
18 through clothing, it's going to look velocity, and it
19 may not go through the bone.

20 Q However, entrance, this body was wearing
21 those -- we don't know what they are, sweatpants,
22 whatever they were. You would -- they would be waist
23 high, correct, normally?

24 A Well, it looked like in the image that we saw
25 today that those pants were kind of rolled down in the

1 way that we would wear them in the '90s.

2 Q Rolled down? You didn't see any rolled down.
3 You saw -- you saw -- you just saw the sweatpants
4 there. You --

5 A I saw the sweatpants.

6 Q Excuse me. You don't know how they were
7 worn, do you?

8 THE COURT: You asked her about that so
9 I'm going to let her answer the question.

10 MR. HEAVENER: Objection.

11 THE WITNESS: I -- I -- I'm reflecting
12 on the image that we saw today of her knees
13 being flexed and her ankles up, kind of going
14 up towards her bottom, and then you could see
15 the sweatpants on the remains. And they were
16 pulled down a little below her hips, where
17 I -- looks like I saw part of her hip bone
18 above the pants. I wasn't talking about the
19 one where the pants are laid out flat. It
20 was the pants on the skeleton.

21 BY MR. FALLIS:

22 Q If this were a gunshot and those pants were
23 being worn, there would be a great possibility that you
24 would see a bullet hole in those pants, would you not?

25 A I mean, if they were high-waisted?

1 Q Well, not high-waisted, just normal-wasted,
2 ma'am. 'Cause you don't know how this -- these were
3 worn. As a matter of fact, you said, well, you saw
4 it -- that they were a little lower. Ma'am, you -- you
5 saw things wrapped up. You didn't see it -- on the
6 skeleton exactly how they were worn at the time, did
7 you?

8 A I am referencing the photo that we saw here
9 this morning where the victim is on her side.
10 Sweatpants are on her body. Her legs still inside. I
11 can see part of her hip bone, and I can see that the
12 pants are beneath her hip bone. But I don't know if
13 she walked around the house with them like that, no.
14 But I do know, as a woman that wore sweatpants in the
15 '90s that I did roll my sweatpants down a little bit
16 because that was the fashion.

17 Q What you did and what somebody else might
18 have done is not --

19 A Right.

20 Q -- always the case, right?

21 MR. FALLIS: Thank you.

22 THE COURT: All right. Any more with
23 this witness?

24 MR. HEAVENER: Nothing, Your Honor.

25 THE COURT: May she be excused?

1 MR. HEAVENER: She may, Your Honor.

2 THE COURT: Dr. Haney, you're excused.

3 Thank you, ma'am.

4 (Witness excused.)

5 THE COURT: Let's take our morning
6 break, folks. It is -- let's say 11:15,
7 we'll be back. Enjoy your break.

8 (Jury excused.)

9 THE COURT: Let the record reflect the
10 jury has left the courtroom.

11 So two more witnesses?

12 MR. MIZRAHI: Correct.

13 MR. HEAVENER: Yes, sir.

14 THE COURT: There's one fairly short
15 that's the FDLE.

16 MR. MIZRAHI: Correct.

17 THE COURT: And then Detective Hinson
18 may be longer.

19 MR. MIZRAHI: He will definitely be
20 longer.

21 THE COURT: This was two hours. I'm not
22 asking you --

23 MR. MIZRAHI: My direct --

24 THE COURT: -- for a guarantee but an
25 approximation.

1 MR. MIZRAHI: How long are you going to
2 be with Hinson? It's up to them. My direct
3 will not be nearly as long as for Heather
4 Walsh-Haney. I don't have to qualify him or
5 anything like that.

6 THE COURT: I'm just thinking about when
7 we're going to break for lunch.

8 MR. FALLIS: About a half hour, Judge.

9 THE COURT: Okay.

10 MR. MIZRAHI: So I think if it's just a
11 half hour, we can be done by 1:00, 1:30.

12 MR. FALLIS: He's not your last witness,
13 though.

14 MR. MIZRAHI: We've got another.

15 MR. FALLIS: Do you have another
16 witness? You said --

17 MR. MIZRAHI: I'm calling Tom Pulley
18 next. Tom Pulley. And then we're calling
19 him.

20 MR. FALLIS: That's it? Okay.

21 All right. Pulley's going to be really
22 short. Pulley will be very short, Judge.

23 THE COURT: Let's make it 11:20. Come
24 back.

25 MR. MIZRAHI: I think we'll probably

1 take a late lunch.

2 THE COURT: It will be a late lunch.

3 MR. MIZRAHI: I think so.

4 (Short recess.)

5 (Defendant present.)

6 THE COURT: Are we ready for the jury?

7 MR. MIZRAHI: Yes, sir.

8 MR. FALLIS: Yes, sir.

9 THE COURT: Bring in the jury.

10 (Jury present.)

11 THE COURT: Welcome back, folks. Take
12 your seats.

13 We're ready to continue. State, call
14 your next witness.

15 MR. HEAVENER: Your Honor, the State
16 would call Mr. Tom Pulley.

17 (Witness sworn by the clerk.)

18 MR. HEAVENER: May I proceed, Your
19 Honor?

20 THE COURT: Yes, sir.

21 THOMAS PULLEY,

22 having been produced and first duly sworn as a witness
23 on behalf of the State, testified as follows:

24 VOIR DIRE EXAMINATION

25 BY MR. HEAVENER:

1 Q Sir, would you tell us your name and spell
2 your last name for the court reporter?

3 A My name is Thomas Pulley. Last name is
4 P-U-L-L-E-Y.

5 Q And where are you currently employed?

6 A I'm employed with the Jacksonville Sheriff's
7 Office.

8 Q What do you do with the Jacksonville
9 Sheriff's Office?

10 A I'm a firearms examiner in the gun crime
11 unit.

12 Q And have you -- have you always worked for
13 the Jacksonville Sheriff's Office?

14 A No, sir. Prior to being employed with the
15 Jacksonville Sheriff's Office, I worked for the Florida
16 Department of Law Enforcement.

17 Q And how long did you work for the Florida
18 Department of Law Enforcement?

19 A A little over 34 years.

20 Q All right. Could you tell us about your
21 education, sir?

22 A Briefly, I have a bachelor of science degree
23 in biology from the College of Charleston.

24 Q And could you describe the experience you've
25 had in being a firearms examiner?

1 A Well, again, somewhat briefly, my training in
2 the area of firearms identification a was two-year
3 training program when I was with the Department of Law
4 Enforcement, which was supervised by an experienced
5 firearms examiner.

6 I spent approximately 28 years in the
7 firearms section -- firearms identification section
8 with FDLE.

9 Q And as part of your training, have you also
10 participated in training conducted by federal law
11 enforcement agencies?

12 A Yes. Part of that training, I also completed
13 training from the FBI in gunshot residue detection and
14 from ATF in serial number restoration.

15 Q And, sir, can you tell -- you've worked in
16 firearms examinations a long time. Can you tell us
17 approximately how many ballistics examinations you've
18 done over your career?

19 A Short answer is no. It's in the thousands.
20 I don't know.

21 Q Have you supervised others in doing
22 ballistics examinations?

23 A Yes, sir.

24 Q And as part of your training and experience,
25 have you actually visited gun manufacturers?

1 A Yes, sir. As part of the training program,
2 did a factory tour of the some of the major gun
3 manufacturers here in the United States.

4 Q And have you offered expert opinion testimony
5 in court before?

6 A Yes, sir.

7 Q And what -- what kinds of courts have you
8 testified to?

9 A Mostly the circuit court here in Florida and
10 mostly here in Duval County.

11 Q Okay. And, sir, do you -- do you provide any
12 teaching or training of others in firearms examination?

13 A No, not currently. During my tenure with the
14 Department of Law Enforcement, I did train other
15 examiners.

16 MR. HEAVENER: All right. Your Honor,
17 at this time, I would tender the witness for
18 any expert examination by Mr. Fallis.

19 MR. FALLIS: No proffer, Judge.

20 THE COURT: You may continue.

21 DIRECT EXAMINATION

22 BY MR. HEAVENER:

23 Q All right, sir. Can you tell us what a
24 firearm is?

25 A Firearm is a device, I guess, legally

1 speaking that's designed to expel a projectile by means
2 of an explosive action. It's a -- it's a mechanical
3 instrument designed to fire a projectile.

4 Q And if I use the word "bullet," can you
5 describe if -- I'm using that word. Is that a term of
6 art in your field?

7 A It is a term. Some -- probably most people
8 refer to that as a complete cartridge instead of just
9 the projectile. But technically speaking, a bullet is
10 just a projectile. It's the portion of a cartridge or
11 a round of ammunition that's actually expended out of
12 the barrel.

13 Q So if you would, just describe for us briefly
14 the parts of a round of ammunition.

15 A So yes. A round of ammunition, a cartridge,
16 is comprised of usually four major components. It's
17 the shell casing or cartridge case, a primer, the
18 gunpowder and then the projectile.

19 There's some variation on that in that there
20 also what they call "rimfire cartridges," which doesn't
21 have a separate primer. It's part of the -- it's
22 inside the cartridge case itself, which you still have
23 basic components. You still have to have gunpowder to
24 burn and expel the projectile, the projectile to be
25 expended down the barrel and the cartridge case to hold

1 all its components.

2 Q And in your training and experience, what
3 kind of examinations can be done on -- let's -- let's
4 start with a cartridge casing. What -- what is of
5 forensic value with regard to a cartridge casing?

6 A Well, it can be as simple as just knowing the
7 caliber and possibly the type of firearm that it was
8 fired in if there are no firearms submitted and there
9 are multiple cartridge cases to try and to determine if
10 they were fired in one gun or more than one gun. If
11 there is a firearm available for examination, then we
12 compare those cartridge cases, the markings on those
13 cartridge cases, to examples from that particular gun
14 to see if it was fired in that gun.

15 Q And -- and are there occasions when the
16 markings on a cartridge casing have become either
17 corroded or unusable for examination purposes?

18 A Oh, yes, sir.

19 Q Okay. And then with regard to the -- what I
20 referred to earlier as a bullet, I probably should be
21 using the word projectile. Would that be the -- the
22 term of art?

23 A Well, the term is bullet but probably more
24 commonly referred to as projectile.

25 Q All right. The bullet then, what is that

1 typically made of?

2 A Most the time, it's made of predominantly
3 lead. Sometimes it's just plain lead with no coating
4 or covering. Sometimes it's what we call a "jacketed
5 bullet," which is typically covered with a copper.
6 Probably, again, most commonly is a copper jacket.
7 It's a hard material on the outside of a lead interior
8 or core that's primarily used. I say primarily. It's
9 more commonly used these days, especially in
10 auto-loading pistols -- or auto-loading firearms.

11 Q All right. And what is the purpose of having
12 that lead wrapped in the copper?

13 A Part of it is to make the bullet a little bit
14 harder and not deform as easily. Part of it is because
15 the lead by itself is fairly soft and in a firearm
16 that's -- especially in an auto-loading firearm, any --
17 in the feeding process, if the bullet gets deformed,
18 then it can cause a jam in the firearm. With a
19 jacketed bullet, the projectile's now harder. It's
20 less likely to deform in the feeding or extraction
21 process. So it makes a more reliable firearm.

22 Q All right. And is there forensic analysis
23 that can be done on a projectile or a bullet if you
24 actually have the -- the firearm available?

25 A Yes, pretty much the same as cartridge case.

1 It's -- if you have multiple bullets, they can be
2 compared with each other to see if one or more gun's
3 involved -- guns are involved and to compare it to a
4 particular firearm or examples from a particular
5 firearm to see if it was fired in that particular gun.
6 And then on the -- on the similar side is if there's
7 just a projectile, trying to determine, again, its
8 caliber and possibly what type of gun it had been fired
9 from.

10 Q And if you have a projectile, what is it that
11 you're looking for on that projectile to determine what
12 type of firearm or caliber firearm it could be fired
13 from?

14 A When it's fired, there's a negative
15 impression of the rifling from the inside of the
16 barrel, and using the characteristics of the rifling,
17 it can be determined or -- yeah, sometimes can be
18 determined what type of gun it could have been fired
19 from.

20 And then within those markings, there are
21 small scratches created by small imperfections inside
22 the barrel, which are unique to that gun or unique to
23 that firearm. And those can be compared and used for
24 identification purposes, not just generically to say
25 maybe a particular make and model but a particular gun

1 that it was fired from.

2 Q All right, sir. Are you familiar with
3 submissions that were made to the Florida Department of
4 Law Enforcement in the case of State of Florida versus
5 Michael Haim, under FDLE No. 2015-0402166?

6 A Yes, sir.

7 Q Okay. And how -- how is evidence typically
8 submitted to FDLE? Is that -- do detectives provide
9 that?

10 A Yeah. Somebody from -- 'cause FDLE provides
11 services to about 13 different counties here in
12 Northeast Florida, so somebody from a particular law
13 enforcement agency submits the evidence to what's the
14 equivalent of the property room at FDLE. It's assigned
15 a laboratory case number at that time and taken in --
16 taken into evidence for processing.

17 Q And were you the assigned examiner for this
18 particular examination?

19 A Yes, sir.

20 Q Okay. Let me show you -- there's a screen in
21 front of you. It should be already up. If you touch
22 the screen, you can see it.

23 A Yes, sir.

24 Q All right. What are we looking at in State's
25 Exhibit 136?

1 A On the left-hand side, it's the head or the
2 base of a .22-caliber rimfire cartridge case. And on
3 the right-hand side is a fragment of unknown origin.

4 Q All right. So let me begin with the fragment
5 of unknown origin. Do you know why that fragment was
6 submitted?

7 A It was probably submitted in case it was a
8 portion of a projectile.

9 Q Okay.

10 All right, sir. And what -- what examination
11 did you do to determine whether this was or was not a
12 bullet or projectile?

13 A Just looking at it for one and then a
14 microscopic examination and testing the properties of
15 that particular fragment.

16 Q When you looked at it, is this something that
17 would -- would appear consistent with a projectile to
18 the naked eye?

19 A To the naked eye just visually, it would
20 certainly -- yes, it's possible. I've seen fragments
21 from projectiles that look like this.

22 Q Okay. And when you placed it under the
23 microscope, what did you see?

24 A Well, under the microscope, in doing a few
25 simple tests to it, none of the characteristics of that

1 fragment -- it's not lead, for one thing. It doesn't
2 seem to be copper either, and it's just not -- it's
3 just not typical -- what is typically used in a
4 projectile.

5 Q Okay. So were you able to determine that
6 that, in fact, was not normal projectile?

7 A Yes. In my opinion, that is not part of a
8 bullet.

9 Q All right. And then did you examine the case
10 cartridge?

11 A Yes, sir.

12 Q And what -- what are we looking at? Is this
13 the full case cartridge that we're looking at?

14 A No, sir. It's the very bottom or base of a
15 cartridge case or casing.

16 Q All right. And you had used the term earlier
17 in your testimony, "rimfire." Can you describe what
18 rimfire is?

19 A Yes. It's a -- in a rimfire cartridge case,
20 there's a rim to the bottom of the cartridge, and
21 inside that rim is the priming material so that the
22 firing pin of the gun its used in has to strike out on
23 the rim in order to start the ignition of the
24 gunpowder. Since it has to strike the rim, hence fire,
25 the name rimfire for the type of cartridge case.

1 Q All right. And were you able to conduct any
2 analysis to determine if there were any markings of
3 value on this particular cartridge case?

4 A Yes, I did. Similar to the fragment, initial
5 just visual examination of the cartridge case and then
6 a microscopic look at it as well.

7 Q Okay. And were you able to determine if
8 there were any markings suitable for comparison?

9 A There is a firing pin impression on the
10 cartridge case, but other than that, the markings were
11 too corroded to be able to really compare it to
12 anything.

13 Q Were you able to make any -- determine any
14 opinions about whether or not this particular cartridge
15 case had been fired?

16 A Yeah. Based on the firing pin impression, it
17 appears to have been fired, yes.

18 Q And are you able to provide any opinion about
19 what calibration of bullet or ammunition -- what
20 caliber ammunition this particular cartridge casing is?

21 A This is -- this type of cartridge case is
22 typically used in .22-caliber rimfire. There are
23 probably three or four different designations -- 22
24 short, .22 long, .22 long rifle and .22 Magnum, all --
25 all using a rimfire cartridge case.

1 Q Okay. When you use the phrase .22, can you
2 describe for us what we're talking about in terms
3 of .22?

4 A It's a -- it's a rough diameter -- or measure
5 of the diameter of the projectile that's used inside
6 the cartridge case. So it's about -- it's a little bit
7 less than a quarter of an inch in diameter.

8 Q Do you know, the lead bullet, after it's
9 fired, does the lead remain the same size?

10 A It depends on what it's fired into. Since
11 it's typically -- especially in this caliber, the
12 bullets are just lead; they're not jacketed, they
13 deform rather easily because they're plain lead. So if
14 they strike a hard object, then they can deform or
15 expand, yes.

16 Q You describe the several types
17 of .22 ammunition. Are you able to say whether this
18 particular shell casing fit a pistol or a rifle? Are
19 you able to distinguish that closely?

20 A No. Because this particular cartridge --
21 type of cartridge, only have part. It's the bottom
22 part, for one thing. And there are both rifles and
23 handguns that are chambered to fire these cartridges.

24 MR. HEAVENER: No further questions,
25 Your Honor.

1 THE COURT: All right. Cross?

2 CROSS EXAMINATION

3 BY MR. FALLIS:

4 Q Mr. Pulley, are you aware that there are
5 several guns that were taken from Mr. Haim's home? And
6 were they ever submitted to you for any type of
7 analysis?

8 A Yes, sir.

9 Q And what -- was one of them a .22 rifle?

10 A Yes. One was a Marlin 22 rifle.

11 Q What were the other ones?

12 A There was a Stevens .410 shotgun, a
13 Harrington & Richardson 12-gauge single-shot shotgun
14 and a Remington 12-gauge pump shotgun.

15 Q And what were you asked to do?

16 A Since there were no ammunition components to
17 be compared, essentially all I was asked to do was
18 perform a function test on those guns to see if they
19 were operable.

20 Q Okay. Were you also asked to see if they had
21 been recently fired?

22 A No. 'Cause there's really not a reliable
23 test to determine -- you know, vague term is recently
24 fired. The -- part of the examination is to observe to
25 see if there's any residue in the barrel, but that

1 doesn't tell you when they were placed in the barrel.

2 Q Well, did you find residue in the barrel on
3 any of these guns?

4 A Actually, I don't recall at that time. It's
5 not unusual to find residues in the gun, depending on
6 when it's been fired.

7 Q Okay. Well --

8 A I mean, if the gun has been fired even
9 significantly before, the residue is still going to be
10 there, I mean, for a long period of time. The mere
11 presence of residues does not indicate it was fired
12 recently. So the purpose for checking for residue is
13 just (a) to see if they're there and part of the
14 examination, to make sure there are no obstructions in
15 the barrel before the gun is fired.

16 Q Do you recall if there was any residue in any
17 of the weapons that you looked at?

18 A No, sir.

19 Q You don't recall or there wasn't?

20 A I don't recall.

21 Q You didn't make a report or anything like
22 that that indicated that?

23 A No, sir, not that. There's a report for the
24 operability test for the guns.

25 Q Okay. Just that they work?

1 A Essentially, yes, sir.

2 Q All right. That casing, can you give us an
3 idea how old that casing is and how it deteriorates
4 like that?

5 A I can't give you an idea of how old it is.
6 And the deterioration, the .22 rimfire cartridge cases
7 are -- again, relatively speaking with other
8 cartridges, that's a fairly thin cartridge case, so
9 it's more likely to -- it corrodes easier or can be
10 damaged like this easier because it's -- the cartridge
11 case is pretty thin and it's made out of brass. But
12 the --

13 Q It is brass?

14 A Sorry. I didn't mean to interrupt you.

15 Q (Inaudible)?

16 A Sorry?

17 Q You said it is brass?

18 A Yes, sir, it's brass. The -- it depends on
19 the conditions, you know, the acidity of the soil, how
20 wet the soil was, or the conditions of where it was
21 found is how rapidly it would deteriorate. And I
22 haven't -- I can't put any sort of figure on how old it
23 is.

24 MR. FALLIS: All right. Thank you.

25 THE COURT: Redirect?

1 MR. HEAVENER: No, Your Honor.

2 THE COURT: May this witness be excused?

3 MR. HEAVENER: He may, Your Honor.

4 THE COURT: All right. Thank you, sir.

5 You're excused.

6 (Witness excused.)

7 THE COURT: State, Call your next

8 witness.

9 MR. MIZRAHI: State calls Robbie Hinson.

10 (Witness sworn by the clerk.)

11 MR. MIZRAHI: May it please the Court?

12 THE COURT: Yes, sir.

13 ROBERT HINSON,

14 having been produced and first duly sworn as a witness
15 on behalf of the State, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. MIZRAHI:

18 Q Please introduce yourself to the jury.

19 A My name's Robert Hinson.

20 Q What do you do for a living, sir?

21 A I'm a pastoral care pastor at First Baptist
22 Church.

23 Q How long have you been so employed?

24 A Since September of 2017.

25 Q And what did you do before that?

1 A I was an investigator with the State
2 Attorney's Office here in the Fourth Judicial Circuit.

3 Q And how long were you an investigator in the
4 State Attorney's Office?

5 A January of 2013 until -- or December of 2012
6 until just before I took my position that I'm at now.

7 Q And prior to that, were you in law
8 enforcement?

9 A Yes, sir, I was.

10 Q Give the jury an idea of the history of your
11 law enforcement career.

12 A 26 and a half years with the Jacksonville
13 Sheriff's Office. I was in patrol, burglary, sex
14 crimes. I was in homicide for almost ten years and
15 intelligence for almost 12. Prior to that, I was with
16 Jacksonville Beach for almost three, and prior to that,
17 I was with probation and parole, where I started my
18 career at -- as a probation officer.

19 Q Mr. Hinson, were you the lead detective in
20 the disappearance of Bonnie Haim?

21 A Yes, I was.

22 Q And so you were in homicide in January of
23 1993?

24 A Yes, I was.

25 Q And you were a detective.

1 A Yes, I was.

2 Q The jury has heard a little bit about how
3 homicide works. So we don't really need to go into the
4 fact you have detectives and sergeants and all that.

5 But how did you come about getting the case
6 of the disappearance of Bonnie Haim?

7 A I was working evening shift on January 7th.
8 I came in to work around 4:00 o'clock that afternoon.
9 The case had been going on most of the day. I want to
10 say it was around 7:00 o'clock that evening, the case
11 was administratively assigned to me, which means I was
12 assigned to work along as a homicide detective along
13 with the missing persons detective, which was Tommy
14 Morgan. I would assist him and work with him on
15 certain missing persons cases. Where there was a
16 possibility of foul play, they would bring homicide
17 detectives in to work along. That was the standard
18 procedure back then.

19 Q So you came in at 4:00. Everything that
20 happened before that on the 7th was conducted by other
21 detectives like Tommy Morgan and patrol officers and
22 even other homicide detectives.

23 A That's correct, even interviews and things of
24 that nature.

25 Q Did you maintain the lead detective status on

1 the case of the disappearance of Bonnie Haim throughout
2 your tenure with the Jacksonville Sheriff's Office?

3 A Yes and no. When I left homicide, the case
4 had grown to a point where it was a cold case. There
5 was not really any leads coming in.

6 But because of my familiarity with the case
7 and my familiarity with Aaron and the relationship I
8 had with him, they would call and contact me. I seemed
9 to know more about the case and was familiar with it.
10 So when something would come in, it would come to my
11 attention, even though I was in intelligence at the
12 time. So even after leaving homicide, I did things on
13 it up until -- I think my last entry was in 2000.

14 Q Even with the State Attorney's Office, were
15 you consulted with regard to anything that came up in
16 the disappearance of Bonnie Haim?

17 A Yes.

18 Q And, in fact, did you respond to Dolphin
19 Avenue on December 14th, 1993 [sic]?

20 A Yes.

21 Q And how did you come to learn that
22 potentially, Bonnie Haim's remains were found at her
23 address?

24 A I had missed a phone call from Aaron, and I'd
25 also missed a phone call from Jean Fraser, his adopted

1 mom. I was at church. I had seen where I'd missed
2 phone calls, so it was really kind of unusual for me to
3 get two phone calls back to back on a Sunday afternoon.

4 So I called them back and I was advised that
5 they had found what they believed was human remains.

6 I'd always told them that if they found
7 something to call me at any point in time. And that's
8 what they did.

9 Q Did you respond to the scene?

10 A I sure did.

11 Q And at that time, you were an investigator
12 with the State Attorney's Office, so you were still in
13 law enforcement.

14 A Yes, I was.

15 Q But did you take the lead role in doing any
16 subsequent investigation from the discovery of the
17 remains until the arrest of Mr. Haim?

18 A No, I did not.

19 Q But did you participate?

20 A Yes, I did.

21 Q And why did you participate with those other
22 JSO detectives?

23 A I had investigative or institutional
24 knowledge of the case, which was beneficial. For
25 example, I had taken the case files and placed them in

1 the property room. They didn't even know where the
2 case files were, and that's an unusual place to put the
3 case files. And the reason I did that is there wasn't
4 a way to maintain the integrity of the files because
5 they were missing persons files. So I placed them in
6 the property room. So initially, they couldn't even
7 find the case file.

8 So once I contacted homicide, once I saw that
9 there was a body there, the homicide sergeant asked me
10 to set up the crime scene tape. And then I stood
11 outside the tape with the rest of the family and waited
12 for the investigators to get there as a witness, even
13 though I was -- I had knowledge of the case. So my
14 assistance was to help them in any way I could.

15 Q And even after discovery of the remains, did
16 you go out with Detectives Meacham or Gilbreath and
17 actually do interviews in the case?

18 A Yes, I did.

19 Q Detective Hinson -- or, I guess, Mr. Hinson
20 now, do you remember this case?

21 A Absolutely.

22 Q And has this case stayed with you throughout
23 your career?

24 A Yes.

25 Q Was this a difficult case?

1 A Yes.

2 Q And did you ever think you'd be sitting up on
3 that witness stand?

4 A No, sir.

5 Q Okay. Let's talk to the jury a little bit
6 about some of the red flags that you found and noticed
7 right away when you discovered that this was going to
8 be your case for better or for worse.

9 A Well, one of the more difficult things that I
10 had when I came in that morning -- that afternoon, I
11 had not had the opportunity to speak with the husband,
12 Mr. Haim, so I never really got a chance to get a feel
13 for what's going on.

14 So when they gave me the case to assist Tommy
15 Morgan, they asked me what I wanted to do. I never
16 could get a specific answer. I was told that the
17 airport had been checked, but no one told me who had
18 checked it. So I wanted our team, our homicide team,
19 group of four men, to go and check it.

20 Q And was -- was part of that because you had
21 to figure out if Miss Haim was actually missing and had
22 taken a flight somewhere or --

23 A Well, the proximity to where the purse was,
24 being in a dumpster, it being so close to the airport,
25 I wanted to know if that had been checked. I also

1 wanted to go back out and check the Red Roof Inn and do
2 a canvass of all the rooms out there to see who was
3 there.

4 And the other thing is I had just been in
5 homicide a little over a year, and I had come out of
6 sex crimes. So I knew the importance of interviewing a
7 child. And even though Aaron was three and a half at
8 the time, I wanted him interviewed by a professional, a
9 CPT worker. And so that was the other thing I
10 requested.

11 Those were the three requests that I made
12 initially.

13 Q And you mentioned Detective Tommy Morgan, and
14 you're working kind of hand in hand with him in missing
15 persons. Is one of the things that he's accomplishing
16 is kind of checking hospitals, checking airports,
17 checking places where missing people sometimes end up
18 to make sure that Miss Haim was not in those places and
19 was, in fact, truly missing?

20 A Yes, sir. Tommy had done that and I believe
21 he continued to do that as well as field leads,
22 sightings that had come into the office.

23 Q Did this case receive media attention almost
24 immediately?

25 A It did.

1 Q Were witnesses spoken to before you got
2 involved in the case?

3 A Yes.

4 Q And was the processing at the Red Roof Inn
5 with regard to the purse already completed?

6 A Yes.

7 Q Was the purse returned to Mr. Haim?

8 A Yes.

9 Q And that was all done before you got the
10 case.

11 A Yes.

12 Q When's the next time -- we'll jump ahead a
13 little bit. When's the next time you saw the purse?

14 A Friday afternoon, I had gone out of town with
15 my partner to investigate another case, and we had
16 returned, which was why we weren't involved in a lot of
17 the activities that day. It was a previously arranged
18 out-of-town investigation. And the purse was sitting
19 on my desk after they had come back from doing the
20 consent to search. I believe it was Sergeant Justice
21 Sergeant Japour and Sergeant Hayes.

22 Q And did you have that purse photographed?

23 A Later I did, yes, sir, and placed it in the
24 property room that night.

25 Q When you went to the Red Roof Inn on the

1 evening of the 7th, had the car been located?

2 A No, not yet. It had not.

3 Q Had you been given information that perhaps
4 people at the Red Roof Inn had seen Bonnie Haim that
5 night?

6 A We had received some information that she
7 possibly had been sighted around the hotel.

8 Q And did you inquire of people at the hotel
9 whether or not that was true?

10 A Yes, we did. We spoke with -- I believe it
11 was a security guard, Mr. Ivey.

12 Q And did he see Bonnie Haim that night?

13 A He said that he had been confronted by some
14 of the family -- Mr. Haim, John Haim and some of the
15 other ones. And so he said -- I believe the way he
16 worded it was that it was presented to him that Bonnie
17 had been there and had he seen him and he said he
18 agreed that he had. When I questioned him in regards
19 to what he had seen actually or what he had seen, he
20 said he really didn't remember seeing anybody is the
21 best of my knowledge. He was agreeing with Mr. Haim.

22 So we had had some other sightings from some
23 other rooms, which we were -- we continued to follow up
24 with FDLE over the next several months and out-of-town
25 interviews as well as taking some people and clearing

1 them by investigative means, that they were not
2 involved.

3 Q Did you ever get a credible sighting of
4 Bonnie Haim being alive after January 6th of 1993?

5 A No. I don't believe I did.

6 Q The investigative means of going out of town,
7 was there some indication from the people at the Red
8 Roof Inn that there was someone that was somewhat
9 suspicious that was kind of looking off into the
10 distance of the woods while the purse was being
11 discovered?

12 A Yes.

13 Q Was that person in -- I think it was
14 Room 256, an upstairs room that kind of looked out into
15 the dumpster area?

16 A Yes. We were able to identify him.

17 Q And how long did it take to identify him,
18 find him and interview him?

19 A I believe it was in the summer of '93 that --
20 we identified him fairly quickly but we were able to
21 get him and start talking to him and clear him in, I
22 want to say, a couple of months later. We were able to
23 locate him, and we were very comfortable with the fact
24 that he was not involved.

25 Q What was that person's name?

1 A Alex Korbeck (phonetic).

2 Q I want to talk a little bit about what you
3 had in terms of the red flags as to why homicide was
4 brought in as opposed to just leaving this as a missing
5 person. Was it unusual in your investigation that
6 Bonnie Haim would leave in the middle of the night?

7 A Yes.

8 Q And was it unusual in your investigation --
9 for any investigation that a purse would be thrown away
10 in a dumpster, containing money and credit cards and
11 other items?

12 A Yes.

13 Q Was it also unusual that no one had ever
14 reported Bonnie Haim's disappearance to the police; it
15 was the police that called Mr. Haim?

16 A Yes.

17 Q Was it also unusual that this woman that had
18 disappeared had a three-year-old son?

19 A Yes.

20 Q Were you also aware that the defendant had
21 indicated that there were marital problems and some
22 form of a discussion right immediately preceding his
23 claim that Bonnie Haim had left the residence?

24 A That's correct.

25 Q And those were all red flags to you as to why

1 this should be investigated by you, homicide, as
2 opposed to missing persons?

3 A Well, it was red flags to my supervisors,
4 which is why I got the case. So yes, those were all
5 factors that played into why a homicide detective was
6 brought on.

7 Q Can you tell the jury how the car was located
8 later -- late in the evening on the 7th?

9 A My partner, Detective Ford, and Detective
10 Scott and I went out, and we went with the airport
11 police because they're more familiar with their
12 facilities than we are. And we began checking the
13 parking lots. I believe Detective Scott and
14 Detective -- or Officer Lee with airport police located
15 the car. I want to say it was long-term. It might
16 have been -- but it was in one of the parking areas
17 outside of the main terminal. I don't believe that the
18 area where it was at now exists. I think it's covered
19 up by a garage. But that's where it was at.

20 Q Okay. And was that car towed from JIA to the
21 Florida Department of Law Enforcement?

22 A That's correct. It was.

23 Q There's been some indication that perhaps a
24 tow truck driver would have gone inside the car to do
25 something to it. In your training and experience, have

1 you ever known for a company that the Sheriff's Office
2 used to tow cars to compromise the integrity of the
3 cars they tow by entering them?

4 A I was under the impression that that car was
5 sealed when it towed down to FDLE. And so that would
6 not have been the case when it -- they would have went
7 into the car. And then the seal would have been broken
8 at FDLE.

9 Q And that's based on your training and
10 experience as well as your specific knowledge of this
11 case.

12 A Yes.

13 Q Okay. Did you check to make sure that Bonnie
14 Haim had not taken any flights out of Jacksonville?

15 A Yes. Immediately after the car was found, I
16 met with the airport police, and I went around to
17 the -- Jacksonville International Airport was a little
18 different setup and flying was a little bit different
19 back in 1993 than it is now. And so you were able to
20 go in. And there weren't a lot of flights that were
21 leaving. And so they were able to check the manifests
22 fairly easy.

23 And also, I was able to talk with the airport
24 police, and they were very comfortable that Miss Haim
25 had not been there, according to what they told me.

1 They said they would have recognized her and remembered
2 her because she was an attractive young lady.

3 Q Did you also go to various hotels throughout
4 the airport area to see if Bonnie Haim had checked into
5 other hotels?

6 A Yes. That night, after we were through out
7 there at the airport, I went back out, and I went and
8 spoke with the hotel clerks that would have been on the
9 previous evening. I want to say it was a Holiday Inn,
10 Red Roof Inn. They would have been the midnight shift
11 clerks. And there may have been another one too. I'm
12 not -- I can't remember. But they all -- none
13 remembered seeing Miss Haim out there at the hotel or
14 checking in or being with anybody out there.

15 Q The -- were you doing other things in
16 addition to the investigation of the disappearance of
17 Bonnie Haim?

18 A Oh, yes, sir.

19 Q Tell the jury about that.

20 A 1992 was my first year in homicide, so being
21 a rookie homicide detective, you get pretty much
22 anything that they want to give you. So I had had
23 60 cases that year, and I had 11 homicides, just me,
24 individual, plus the other detectives, what we worked
25 on. So I was finishing up the year of '92. I had just

1 had a homicide in December. And January 1st, I picked
2 up unsolved, still unsolved. And then I picked up
3 Miss Haim's five days later. I was still working that
4 homicide from January, and I picked up Miss Haim's
5 disappearance. And then 14 days later, I picked up a
6 second homicide. Miss Haim's case was just an
7 administratively assigned case.

8 And I know that seems kind of odd now, but
9 because I'm being called in to assist a missing persons
10 detective, the requirements that they put on you on an
11 administratively assigned case is different than an
12 assigned case. Assigned case is usually one where
13 there's a report written or required and there is an
14 arrest made or it's a homicide case or something of
15 that nature. In administratively assigned case,
16 sometimes all you have to do is assist, take notes.

17 But it was really quick to realize this case
18 was going to be a little bit more than an
19 administratively assigned case. My supervisors
20 realized it as well as I did.

21 Q Did you actually, on the night of the 7th, go
22 work your other homicide case that was still fresh?

23 A Yes, we were still working other cases. Plus
24 in the team concept, which we have in homicide, even
25 though I might not get something where it would be

1 assigned to me, if my partner was to get something, I
2 would go with him, or one of our other teammates, we
3 would go with them. So we worked as a team concept.
4 And so we would go to where they would need us at the
5 time, and then we would back off, give the other
6 detective our case notes, and we would go on with what
7 we were doing.

8 Q So fast-forwarding to the 8th, the jury has
9 already heard testimony that there was Detective
10 McCallum and the Child Protection Team with the
11 interview of Aaron Haim, and then there were three
12 sergeants at the home of the defendant on the afternoon
13 of January 8th. There was no mention of you. Where
14 were you on the 8th?

15 A I was in St. Johns County. My partner and I
16 were interviewing an inmate on an April of 1992
17 homicide. And we were interviewing him. He was a
18 suspect. And so I was down there. That was the
19 previous -- we were at the St. Johns County Jail.

20 Detective McCallum was the fourth member of
21 our team. I don't believe he was working the night we
22 got the case. And Sergeant Justice was my sergeant
23 over our team. Sergeant Hayes was the missing persons
24 sergeant, would have been Tommy Morgan's sergeant. And
25 Sergeant Japour was the sergeant who was working the

1 case prior to us coming in. So he had some knowledge
2 of what had taken place prior.

3 So those were the three individuals that went
4 out to the home, and John went out to -- or Detective
5 McCallum went with Aaron to CPT.

6 Q Now, did each one of these -- Detective
7 McCallum and Sergeant Japour, all these people write
8 their own police reports?

9 A Not at that time. We didn't do our reports
10 at that time like that. I believe they do that now.
11 What we would do then is we would go out and we would
12 take notes. Those case notes would be turned over to
13 the homicide detective that was working it or the lead
14 detective that was in charge of the case. Those notes
15 would then be put into a report, which they were, and
16 then the notes are just there to reflect -- refresh our
17 memory and to help us in making the report. Once the
18 report's written, those notes are discarded or
19 destroyed.

20 Q So you're getting the details of all their
21 investigations to compile your major case report.

22 A Right, yes, sir.

23 Q And there's been some indication that this
24 report was authored years later. Is that -- I guess
25 that's technically true. But were you compiling this

1 report during the course of your entire investigation?

2 A That is technically true. The -- the report
3 was being compiled. I started realizing very quickly
4 that this was going to be something of a major case.
5 And so at some point in time, I realized there was
6 going to be a need for a report even though no one had
7 ever asked me for a report. No supervisor had ever
8 approached me for a report. And so I realized that
9 that was something that we needed to do.

10 As I left the Sheriff's Office, we typed all
11 our own reports, doing a much more -- and I think it's
12 even changed now even more so where the detectives
13 authored their own reports. Back then, we spoke into a
14 tape recorder and we had tapes. And so I was
15 constantly giving tapes to one of our secretaries,
16 Donna Haskin (phonetic), who was taking and typing the
17 report out into a hard form so it could be put into a
18 report at a later date.

19 So it was a work in progress the entire time
20 I had the case to try to memorialize it because of just
21 the volume of the information that was coming in, the
22 number of agencies, the number of things that we were
23 doing, the different people we were talking to. So
24 there was no way I could keep that straight. And so I
25 had to keep it written down.

1 So the report shows that it's not authored --
2 and I think it's 1995 or -- I'm not sure of the date.
3 But it's authored some couple years later. But it's
4 not reflective of what was done or how it was done and
5 put together. The notes -- after the report was
6 compiled and the report was approved, we were able to
7 go back, and we would not keep the notes 'cause we had
8 everything in the typewritten form.

9 Q It's not like you sit down in 1995 or 1996
10 and go, okay, let's try to figure out what happened
11 three years ago.

12 A No. That's not -- there's no way I could
13 have done that with this case. There's too much --
14 there's too much volume to this case. There's too many
15 people that are seeing things. There's too many facts.
16 That's not the way the case was compiled. That's not
17 the way I investigated my cases in the past. And
18 that's not the way this case -- this case was important
19 to me and important to many people.

20 Q Okay. So, Mr. Hinson, I want to take a step
21 now and talk about -- so the 8th. You kind of start
22 reinvestigating the case yourself personally on the
23 9th. Is that fair?

24 A Yes. We start meeting with witnesses that
25 Saturday morning. Sergeant Hayes came in. I worked

1 through the weekend, Saturday and -- that Saturday,
2 January 9th and Sunday, January 10th.

3 Q But you were aware that on the 8th, I guess
4 that Friday, that a search had been conducted of the
5 Dolphin Avenue address?

6 A A consent to search, yes, I was aware of
7 that.

8 Q And that a pair of tennis shoes were found.

9 A I was aware that there was tennis shoes
10 found, and there was a shoe print in the car of
11 interest.

12 Q And did Allen Miller and Ernie Hamm at FDLE
13 indicate that those things matched?

14 A At a later date, I believe they were -- I was
15 told that there was a match, not only with the print
16 but also the items that were in it.

17 Q And were you aware that your sergeant had
18 confirmed that the defendant, Mr. Haim, had not been in
19 the car for approximately a week before that print was
20 found?

21 A I want to say it was -- I want to say it was
22 January 1st that he had told Sergeant Justice, that he
23 had not been in that car. I want to say New Year's
24 Day.

25 Q Before we get any more, I want to go over a

1 few of the pictures to explain anything that may still
2 be out there in terms of questions about the
3 investigation and how it was handled.

4 You indicated, Mr. Hinson, that you had a
5 relationship with Aaron during the course of your
6 investigation. Even after the Child Protection Team
7 interview with Aaron Haim, did you maintain contact
8 with Aaron Haim?

9 A Yes, I did.

10 Q And was that over a period of years?

11 A Oh, yes, over a lengthy period of years.

12 Q Does State's Exhibit 1 fairly and accurately
13 depict the way Aaron Haim looked the day of his wife --
14 his mother's disappearance?

15 A Yes.

16 Q So State's Exhibit 2 is an aerial photograph
17 of the Dolphin Avenue address. Does this fairly and
18 accurately depict the way the home looked after
19 January 7th but before the search with the search
20 warrant on March 17th?

21 A Yes.

22 Q The jury has already seen this, the Red Roof
23 Inn.

24 I want to go now to State's Exhibit 10. Is
25 this where you indicated that you later had the purse

1 photographed and then placed in the property room?

2 A Well, actually, I looked and I placed the
3 purse in the property room. And then later on, it's --
4 after it's taken. And then later on -- I'm not sure
5 the exact date, but later on, I had it photographed at
6 the crime lab, at the JSO crime lab.

7 Q And State's Exhibit 11, what's the purpose of
8 photographing the purse like this?

9 A Excuse me. Could you repeat?

10 Q I'm sorry. What's the purpose of
11 photographing the purse with all its contents?

12 A To show what was in it at the time, to show
13 what was recovered and what was taken out. I believe
14 that when I put the purse in, any jewelry or anything
15 like that, cash had to be separated. So that's why
16 the -- there's an envelope that says watch, and there's
17 also -- I believe the victim's key was separate 'cause
18 it has evidence tape on it. But everything else, it
19 appears that it was laid out, and it was photographed
20 at the crime lab as it was in the contents of the
21 purse.

22 Q I want to spend a little bit of time with the
23 issue with the key. We do see that one key was
24 contained within the contents of the purse, which has
25 been entered into evidence as State's Exhibit 155.

1 MR. MIZRAHI: May I publish to the jury?

2 THE COURT: You may.

3 (State's Exhibit No. 155 published to the
4 jury.)

5 BY MR. MIZRAHI:

6 Q And, Detective, can you see that key on the
7 screen?

8 A Yes, sir, I can.

9 Q Would you please circle it on the photograph
10 so the jury sees --

11 A All I have to do is touch it?

12 Q Yes, sir.

13 And you just hit eraser button in the
14 left-hand corner.

15 A (Complies.)

16 Q And, Detective, were you also aware that a
17 set of keys was taken from the Child Protection Team by
18 Detective McCallum to the Florida Department of Law
19 Enforcement so they would have a set of keys to the
20 car?

21 A I was also told that.

22 Q State's Exhibit 156.

23 MR. MIZRAHI: May I, Your Honor?

24 THE COURT: You may.

25 (State's Exhibit No. 156 published to the

1 jury.)

2 BY MR. MIZRAHI:

3 Q Once you started working again on Saturday,
4 January 9th, did it come to your attention that there
5 was a person that needed to be interviewed that had a
6 romantic relationship with Bonnie Haim?

7 A Yes, I did.

8 Q And did you find Curt Jolicoeur?

9 A Yes, I did.

10 Q And was he cooperative?

11 A Yes.

12 Q Was there ever any point in time where you
13 felt that Mr. Jolicoeur was a suspect?

14 A No. There was a time -- we never were able
15 to really -- you couldn't clear everybody immediately
16 but Mr. Jolicoeur continued to cooperate with us. He
17 cooperated with the investigation. He came in
18 voluntarily. I believe he gave truthful statements.
19 We were able to clear him by investigative means at a
20 later date. We -- he actually helped us in wearing a
21 recording device a couple of times. He went way above
22 and beyond, and anytime I called Mr. Jolicoeur, he
23 returned my calls and he was cooperative with us. He
24 never gave me any indication that he was in any way,
25 shape or form. And even the interest that he had with

1 Miss Haim in the night that he stayed, he gave us the
2 date and the time that he stayed there, and we were
3 able to confirm that.

4 So his story matched. He was very
5 embarrassed about his involvement, it seemed to, but
6 yet he cooperated fully and seemed to be remorseful in
7 regards to what he was involved in at that point in
8 time and the impact it was having.

9 Q And, Mr. Hinson, did you actually have a
10 discussion with Mr. Jolicoeur about the fact that he
11 should inform his current wife of what happened with he
12 and Bonnie Haim?

13 A Are you talking back in '93, or are you
14 talking about after the body was found the night we
15 located her?

16 Q No, no, in '93.

17 A I told him then as well as now.

18 Q The wire -- the recording device that
19 Mr. Jolicoeur wore, did that end up leading to any
20 investigative leads?

21 A No.

22 Q Did you have the same cooperative
23 relationship with John and Carol Haim, the defendant's
24 parents?

25 A No.

1 Q Did you try to figure out whether or not the
2 airport would have the ability to accurately record
3 when the Toyota Camry showed up at the airport?

4 A The airport -- and I believe -- I'm not sure
5 what it is today. But the airport, when you go up to
6 the parking, you push a button back then and it gives
7 you a ticket. The devices that were in place then,
8 they never record you unless you leave. They
9 photographed your tag. And that's how they recorded
10 when you left the lot. When you entered the lot, there
11 was no mechanism to record Miss Haim -- I'll use
12 Miss Haim's car -- Miss Haim's car coming into the lot.
13 You could have driven into the lot, pushed the button,
14 gotten the ticket and driven into the lot. So there's
15 no way to record when the car comes in.

16 There was a mechanism that was in place that
17 they went through, the airport parking folks at JIA,
18 and they counted and recorded those cars that were in
19 the lot. We were told that Miss Haim's car was not in
20 the lot at that point in time. And we recovered it --
21 when they -- when they went through and counted that
22 night of the 6th into the 7th, which I believe would
23 have been the morning that they found the purse, they
24 did not have record of the car being there. And we
25 recovered it the night of the 7th, so the second night

1 that we could have got it would have been the 7th into
2 the 8th. But we already had the car. So they wouldn't
3 have -- this was a process that they did in the
4 midnight hour because it was easy to move about the
5 lot. And when we talked to the workers there, there
6 was nowhere to accurately record any of that.

7 Q So with some comfort level, you can say the
8 Camry wasn't there for the whole day before on the 6th.

9 A With some comfort level, yes.

10 Q Were there searches conducted for Miss Haim?

11 A Many.

12 Q Were those searches conducted in various
13 rural areas of Jacksonville?

14 A Yes.

15 Q Did Mr. Jolicoeur participate in some of
16 those?

17 A I believe he did.

18 Q And did members of Bonnie Haim's family and
19 Michael Haim's family participate?

20 A Yes.

21 Q Did Michael Haim, the defendant, ever
22 participate in any of these searches?

23 A No.

24 Q Now, during the course of your investigation,
25 would there be occasions where remains would be

1 discovered throughout Jacksonville, even more
2 specifically on the north side of Jacksonville?

3 A Yes. I believe seven or eight times over a
4 three-year period, we had reports of unknown skeletons
5 being found in the woods on the north side or in
6 Jacksonville, and they would be reported in the media,
7 body found, skeleton found, such as that.

8 Q And would you receive inquiries from Bonnie
9 Haim family about that?

10 A Yes, I would.

11 Q Now, did you also, over the course of your
12 investigation, have the use of cadaver dogs in these
13 searches?

14 A Yes, we did.

15 Q In your training and experience, how
16 effective were cadaver dogs back in 1993?

17 A I mean, we never, ever -- I never found
18 anything with them on my searches. I'm not sure how
19 good they were back then. I know that there -- there
20 was some agencies that had good luck with them. It
21 didn't keep us from trying. It was kind of a new
22 technology. We even went outside of our agency and
23 talked with some other private agencies, called
24 "NecroSearch" and things like that and got some insight
25 on how to look.

1 But they would alert on -- like, if there was
2 an underground sewer, they would alert on the decay in
3 the water. So they would alert on things sometimes
4 that weren't necessarily there.

5 So we never put the dogs into a situation
6 where I could fairly evaluate where -- where they were
7 at at the time. At least, that's my memory.

8 Q And so I guess the best statement is that
9 they never helped you find a body in your career.

10 A No.

11 Q Okay. And have you had the opportunity as
12 you sit here today to review all the K-9 reports that
13 were produced in this case?

14 A Yes.

15 Q And as you sit here today, can you state with
16 confidence that cadaver dogs were never brought to the
17 backyard, the area where Bonnie Haim was found?

18 A I reported in my report that they had been.
19 I'm not sure where I got that from. It was after a
20 discussion with Allen Miller, and we reviewed after we
21 got the letter in '96, I believe. And I was under the
22 impression that the dogs had checked there. I don't
23 see any reports where the dogs were ever back there.

24 So in my report, that would be in error, what
25 I put there, that the dogs had checked. We had checked

1 the backyard and we had walked around and looked for
2 anything suspicious. But to my knowledge, I have
3 nothing that documents the fact that there was a --
4 there was a cadaver dog run in that backyard.

5 Q And you were actually -- we're jumping around
6 a little bit. But the search warrant that was
7 conducted on March 17th, you were present.

8 A Yes. I executed it.

9 Q And you looked around that house.

10 A I crawled around on my hands and knees on the
11 carpet in that house.

12 Q And as you sit here today, you have no memory
13 of cadaver dogs being in that backyard.

14 A That's correct.

15 Q Yet you wrote in your report that you thought
16 they had been.

17 A Yes, after we received the letter. Because
18 we had searched the backyard for what we looked at as
19 obvious depressed areas. We never, ever looked -- and
20 I still to this day did not -- I don't know if I would
21 even to this day flip that deck up and look. I didn't
22 know I could flip that deck up and look. So that's on
23 me. I wish I had. It would have saved him from having
24 to go through what he did but I didn't. And that's my
25 error. I didn't ever even think of looking underneath

1 that deck, ever.

2 Q During the course of your years of
3 investigation, were there a lot of sightings of Bonnie
4 Haim?

5 A Yes.

6 Q Did you ever find a credible one?

7 A No.

8 Q Were you aware of a shuttle bus driver that
9 indicated that he thought he might have seen her?

10 A Yes.

11 Q Did the timing of when he possibly saw her
12 have any relevance forensically to her disappearance?
13 In other words, was he able to date it to the
14 particular time of her murder, or was he more vague
15 about that?

16 A I'd have to look at that particular -- is it
17 Mr. Howell?

18 Q Yes, sir. If you need to refresh your memory
19 from your report, you can do so.

20 A Could I?

21 Q Yes, sir, of course?

22 A Do you have a page number, Mr. Mizrahi?

23 Q I'll find it in a minute. Mr. Fallis needs
24 to approach.

25 MR. MIZRAHI: Your Honor, he's talking

1 to me about approaching.

2 MR. FALLIS: We don't need the court
3 reporter.

4 THE COURT: We don't the court reporter?
5 All right.

6 (Sidebar conference without the reporter.)

7 THE COURT: All right, Mr. Mizrahi. You
8 may continue.

9 MR. MIZRAHI: Yes, Your Honor. I've
10 taken the liberty of approaching him with a
11 report so he could find it quickly.

12 THE COURT: Without my permission, I
13 see.

14 MR. MIZRAHI: Yes, sir. I apologize for
15 that. I was trying to be efficient. I'm
16 asking permission now, I guess, for
17 forgiveness now.

18 THE COURT: Forgiveness instead of
19 permission first, granted.

20 MR. MIZRAHI: Thank you.

21 BY MR. MIZRAHI:

22 Q And, Mr. Hinson, it's also your report on
23 Page 34. I provided you both Detective Morgan's report
24 as well as your own detailed conversation with
25 Mr. Howell.

1 A Was my conversation more detailed than what's
2 in Detective Morgan's report?

3 Q No, sir.

4 A And Detective Morgan was the one that spoke
5 to him?

6 Q Correct.

7 A And the question was was the time frame
8 relevant?

9 Q Yes.

10 A The time frame that he says was -- he was on
11 duty, if I'm reading this right, Mr. Howell was on duty
12 from 1-6-93, 5:00 p.m. to 1:00 a.m. on 1-7, which would
13 have put him in the early morning hours of the
14 disappearance of Miss Haim and -- no. I'm sorry.
15 Early afternoon -- afternoon of Miss Haim disappearing
16 on 1-6 to the early morning hours of 1:00 o'clock on
17 1-7, before we reported the purse -- the purse was even
18 reported was the time frame.

19 Q And if you could just review your part on
20 Page 34 of your report and give you a little better
21 time frame about the accuracy of this timing.

22 A I'm looking at it.

23 Q Yes, sir. So, I mean, was there an accuracy
24 about the time frame where Mr. Howell said he saw the
25 person?

1 A Yes, sir, what I stated.

2 Q Thank you, sir.

3 So did you follow up all reasonable leads
4 that you could find with regard to the disappearance of
5 Bonnie Haim?

6 A Yes.

7 Q Did you also determine that Bonnie Haim --
8 you, during the course of your investigation, received
9 information that she was in the process of renting a
10 new apartment?

11 A Yes.

12 Q Did -- the Jacksonville Sheriff's Office,
13 were they actually provided a postcard from one of
14 those rental properties indicating that Miss Haim was
15 looking to move to that apartment?

16 A Yes, sir.

17 Q Did you make that part of the evidence in
18 this case?

19 A Yes, I did.

20 MR. MIZRAHI: Your Honor, may I publish
21 what's been entered into evidence as State's
22 Exhibit 154?

23 THE COURT: You may.

24 BY MR. MIZRAHI:

25 Q Is this going to be a photocopy from the

1 Bridgewater that was addressed to Bonnie Haim?

2 MR. MIZRAHI: May I approach?

3 THE COURT: You may.

4 THE WITNESS: It looks -- yes. It looks
5 like it's a photocopy.

6 BY MR. MIZRAHI:

7 Q And it's dated January 6th of 1993?

8 A Yes.

9 Q And does it indicate -- the jury will have
10 this in the back. But does it indicate thanking
11 Miss Haim for looking into their apartment complex?

12 A Yes.

13 Q So you actually received that after
14 Miss Haim's disappearance.

15 A Yes.

16 Q Did you also recover, during the course of
17 your investigation, from the very same Blanding Place
18 Apartments, a security deposit agreement wherein
19 Miss Haim had sought to rent an apartment from the
20 Blanding Place apartment complex?

21 A I believe she placed a deposit down on it and
22 was planning to move in on January 23rd.

23 Q Thank you.

24 During the course of your investigation, did
25 you also make sure that no bank activity, social

1 security activity, anything like that was being done on
2 Bonnie Haim's person?

3 A Yes.

4 Q During the course of your investigation, did
5 you learn there were some prints that were found on
6 some of the items that were inside of the Toyota Camry?

7 A In the glove box, on some of the paperwork,
8 there was some fingerprints found.

9 Q And who did those prints match?

10 A Bernie Haim and Michael Haim.

11 Q Would it be unusual to find a husband's
12 prints inside his wife's car?

13 A No.

14 Q Are they significant forensically?

15 A Excuse me?

16 Q Are those significant forensically?

17 A I -- I did not weigh them as significant. It
18 was too easy to explain because of the marital status.

19 Q What about Bernie Haim? Is that a little bit
20 different since he was just the uncle or employer?

21 A Correct. There was -- I believe they were on
22 the owner's manual, and so in the process of clearing
23 Mr. Haim and interviewing Mr. Bernie Haim, we had not
24 told him of that. And I began to question him and ask
25 him, had he ever been in her car, and he told me that

1 he had been --

2 MR. FALLIS: Objection, hearsay.

3 THE COURT: Overruled.

4 THE WITNESS: Answer?

5 THE COURT: You may.

6 THE WITNESS: He had told me that he had
7 helped Bonnie with the owner's manual of the
8 car when she had got the car, which would
9 explain his prints and the location of them
10 in the car.

11 BY MR. MIZRAHI:

12 Q During the course of your investigation, did
13 you and the Florida Department of Law Enforcement
14 engage in significant surveillance of Michael Haim?

15 A Yes.

16 Q What was the purpose of that?

17 A Hopefully to gather investigative leads.

18 Q Okay. And did the defendant, Mr. Haim,
19 become aware of that surveillance?

20 A Yes.

21 Q Did you also employ the use of
22 forward-looking infrared? I think they call it "FLIR."

23 A Yes.

24 Q What is that?

25 A It's a device that's on the aerial units, the

1 helicopter units. You see them -- when people get out
2 and they run, you're able to follow the individual as
3 he's running. So it illuminates that individual as
4 he's fleeing from whatever he's fleeing from. So the
5 helicopter's able to track them at night, or even
6 during the day, it's off the body heat.

7 We -- me, I was trying to get them to fly
8 different areas and look for anything that looks
9 suspicious and to hopefully see if there was something
10 that would have been buried there or anything to see,
11 which is an a little bit outside the scope of what that
12 is able to do. But it did give us some interesting
13 conversations in regards to the air unit when they
14 started calling me out to different areas, rock fields
15 that had been illuminated by the heat during the day,
16 railroad ties that were laying in the woods that looked
17 like a body that we would go out and they'd walk me up
18 on.

19 So it never took me to anything that was a
20 grave. My hope was that it would have something that
21 would -- I was basically grasping at anything for an
22 investigative lead in this case. And so I was probably
23 pushing what that ability was able to do with that
24 helicopter.

25 Q And did you fly that over the Dolphin Avenue

1 address?

2 A Yes, I -- yes, they did.

3 Q Did they ever -- does the house itself
4 illuminate because the house has a certain level of
5 heat that it's giving off?

6 A It appeared to. It would illuminate at night
7 because of the sun it would absorb, and also, there
8 were rock gardens in the back -- I want to say it was
9 the northeast corner -- that illuminated that we were
10 suspicious of until we got in there and we looked.
11 During the search warrant, we could clearly see it was
12 white rocks in the back of the pool.

13 Q During the course of this investigation, were
14 a series of firearms seized from the defendant?

15 A Yes.

16 Q One of those was a .22-caliber rifle?

17 A Yes.

18 Q And that rifle along with all the other
19 firearms was eventually returned.

20 A Yes.

21 Q In 1996, when you got this unanimous letter
22 stating that the body was in the backyard, why didn't
23 you go back to the backyard to see if it was still
24 there?

25 A I didn't have probable cause in my mind. An

1 anonymous letter written that does not give any more
2 information than that letter did doesn't give me
3 probable cause to go back into an area, in my opinion,
4 that I've already searched. There wasn't anything else
5 other than that anonymous letter to go back in there.
6 I couldn't articulate to any judge or anything else
7 that was -- I couldn't even articulate anything, other
8 than an anonymous letter, of an area that I'd searched
9 that they could give me an anonymous letter for
10 anything. And I don't believe I would have gotten a
11 search warrant, and I wasn't going to get back in. I
12 didn't have enough probable cause to get back in so I
13 didn't go back in.

14 Q The -- did you send the letter for
15 processing, even in 1996?

16 A Yes. I -- I saw the letter but the letter
17 wasn't mailed to me. The letter was actually mailed to
18 FDLE. And that's how I became aware of it. I was
19 called over, I believe by Mr. Miller. And we
20 discussed -- that's where we discussed a lot of the
21 things that were done in the backyard and discussed the
22 letter. That's was when the error came up on my part
23 about the dogs.

24 So -- but we did process the letter, I
25 believe, for prints as well as for DNA.

1 Q In 1996 the DNA was limited. You couldn't
2 get a lot of information.

3 MR. FALLIS: Leading.

4 THE COURT: I didn't hear what you said,
5 Mr. Fallis.

6 BY MR. MIZRAHI:

7 Q Was the DNA technology in 1996 less -- gave
8 you less information than it does today?

9 A Yes. DNA was different back then.

10 Q The fingerprints on the envelope, would that
11 be especially forensic since the letter was handled by
12 numbers of people?

13 A There were issues. I mean, there were
14 issues. Nothing popped up when they compared them and
15 ran them through the fingerprint databases. Nothing
16 popped up to anybody.

17 Can I clarify my previous statement?

18 Q Sure.

19 A The DNA technology -- the DNA has not
20 changed. The technology and our ability to examine it
21 has changed tremendously since 1996. So the DNA is the
22 same that -- that was on the letter back then. But how
23 we're able to gather -- gather and extract it and
24 examine it, they've become more refined. And there was
25 limitations on what we could do back in '96.

1 Q And as you sit here today, are you aware that
2 the stamp has been examined for DNA?

3 A I was told that that was done after the body
4 was found.

5 Q And it is an unknown male person. Are you
6 aware of that?

7 A That's what I was told.

8 Q And are you aware that the defendant has been
9 excluded as the person that did that?

10 A That's what I was told.

11 Q As well as Mr. Jolicoeur.

12 A Yes. That's what I was told.

13 Q When you got this case on January 7th of
14 1993, who was your prime suspect?

15 A Quickly, it was Michael Haim.

16 Q When you discovered the remains -- or more to
17 the point, Aaron Haim -- Aaron Fraser discovered the
18 remains on December 14th, 2014. Did that confirm what
19 you thought on January 7th of 1993?

20 A Yes.

21 MR. FALLIS: Objection, Your Honor,
22 calls for an opinion. Ask to strike.

23 THE COURT: Overruled. Did you tender
24 the witness?

25 MR. MIZRAHI: Yes, Your Honor.

1 THE COURT: All right, ladies and
2 gentlemen. Let's take our lunch break now.
3 We'll be back, round it up at 2:00 o'clock.
4 Enjoy -- okay. 2:00 o'clock. And enjoy your
5 lunch. We'll see you back then. We'll
6 continue the trial.

7 (Jury excused.)

8 THE COURT: Let the record reflect the
9 jury has left the courtroom.

10 All right. We're going to finish with
11 his cross examination -- begin his cross
12 examination, and that's the last witness for
13 the State.

14 I see you've got several witnesses, but
15 you had indicated yesterday, you may only
16 call three. I see four lawyers on here. So
17 give you something to think about during the
18 lunch break. Are any of those lawyers going
19 to be the witnesses?

20 MR. FALLIS: One.

21 THE COURT: One. Is there any
22 attorney/client issues I need to be aware of?

23 MR. FALLIS: No. He's a prosecutor. He
24 doesn't have a client. He's an
25 ex-prosecutor.

1 MR. MIZRAHI: Who are you calling, Tom?

2 We'll talk about that.

3 THE COURT: Well, I just want to get
4 ahead of certain issues. But you still
5 think, if we're starting -- well, we'll
6 finish --

7 MR. FALLIS: You're asking how many
8 witnesses I would have, Judge. I know I have
9 for certain -- well, I also have Detective
10 McCallum on there. Two. Finley. Two,
11 three. Got four, Judge. One might be longer
12 and, of course, I haven't consulted with my
13 client yet. Well, I have consulted but I
14 haven't gotten a final.

15 THE COURT: All right. See you at
16 lunch -- see you at 2:00 o'clock.

17 (Lunch recess was taken from 12:39 p.m. until
18 2:01 p.m.)

19 (Defendant present.)

20 THE COURT: Welcome back. Ready to
21 bring in the jury?

22 MR. MIZRAHI: Yes, Your Honor.

23 THE COURT: Bring in the jury.

24 (Jury present.)

25 THE COURT: Welcome back, ladies and

1 gentlemen. Have a seat. Hope you enjoyed
2 your lunch and are ready to continue on this
3 afternoon.

4 As you recall, we're in the middle of
5 the witness, so we're now here for cross
6 examination.

7 Mr. Fallis?

8 MR. FALLIS: Thank you, Your Honor.

9 CROSS EXAMINATION

10 BY MR. FALLIS:

11 Q Good afternoon, Detective -- sorry. Habit --
12 Mr. Hinson.

13 A That's okay. Good afternoon.

14 Q You see what I've got here? It's a book,
15 right? Same book you've got there, right?

16 A I guess that's from Skype.

17 Q It's all your reports, sir.

18 A Okay.

19 Q Same thing you have before you, right? So if
20 I refer to --

21 A Okay. Yeah.

22 Q -- if I refer to a page, it's something that
23 will be easy for you to look it up. All right?

24 A Yes, sir.

25 Q I intend to do that?

1 A Okay.

2 Q Detective Hinson, you were, quote, lead
3 detective in this case, right?

4 A Yes, sir. I was one of them. I was with
5 Tommy Morgan. But I think probably anybody would tell
6 you that I was probably the lead detective in it.

7 Q Well, you were the homicide lead detective.

8 A Yes, sir, that sir.

9 Q Okay. The homicide lead detective has a
10 great deal of responsibility, right?

11 A Yes.

12 Q You're the one calls the shots, tells people,
13 evidence technicians, other detectives, even on your
14 own squad what you need to have done, and they're
15 supposed to do it -- correct? -- 'cause you can't do
16 everything.

17 A I'm not saying I would have that much
18 responsibility, but I -- but we all work together as a
19 team.

20 Q I'm sure you do. Now, this book that I have
21 here titled "Hinson" -- okay? -- is all your police
22 reports. Okay? And they're all signed by you. Now,
23 you would agree these police reports are, in fact,
24 affidavits, aren't they?

25 A They're not affidavits. They're what -- I

1 wouldn't -- I'm not swearing to anything under oath,
2 but, I mean, they're what I would consider -- I'm not
3 going to put anything in them that's not true.

4 Q Correct. So we can pretty much rely on what
5 you write in here to be the truth, correct?

6 A I would hope so.

7 Q Well, we all hope so. That's -- that's the
8 assumption, is it not, sir?

9 A Yes I'm not going to write something in there
10 that's not true.

11 Q Let's -- I'm going to have to jump around a
12 little bit because of the way your testimony came in,
13 but I'd like to get some things cleared up right from
14 the beginning. All right? Towards the end of your
15 testimony, you sort of, like, pooh-poohed the cadaver
16 dogs and made very little -- how can I say it? -- put
17 any real faith even in the what was the
18 state-of-the-art infrared helicopter search thing. You
19 would agree it was state of the art back then, correct?

20 A Well, you asked me two questions. You asked
21 me about the cadaver dogs and infrared. Which one do
22 you want me to comment on? I'm sorry.

23 Q You agree that you more or less pooh-poohed
24 them, right?

25 A I wouldn't say I pooh-poohed them. I just

1 said that the technology back then was new and cutting,
2 and they never got anything on -- we never were able to
3 put them on top -- I think how my testimony read is we
4 never were able to put them on top of anything where I
5 could evaluate them. I never saw them do anything in
6 this case that they could --

7 Q Okay. In this case. However, they were
8 widely employed through the Jacksonville Sheriff's
9 Office for many years and to be reliable, correct?

10 A We had one cadaver dog that was at the
11 P-farm, and I believe that was Sergeant Thomas, his
12 dog, Sam.

13 Q Well, throughout the country, police use
14 cadaver dogs because they think they're reliable. I
15 would imagine they wouldn't be using them for any other
16 purpose, right?

17 A Right.

18 Q Now, you said that you -- thinking back
19 now -- and you're not sure -- or you're sure that you
20 didn't use any cadaver dogs. Is that your testimony
21 today?

22 A No. I think there's 47 reports that I used
23 cadaver dogs. I -- I didn't say I didn't use cadaver
24 dogs.

25 Q Sir?

1 A Did I misunderstand your question?

2 Q I don't think you did. But I'm going to be
3 asking you -- I'll ask it in a different way, and maybe
4 you'll -- you'll understand what I'm going to tell you.
5 Okay?

6 You got a call on February 6th from Mr. Allen
7 Miller, didn't you? And he told you that he had
8 gotten, quote, an anonymous letter. And I will go
9 ahead and introduce that letter. Actually, it's been
10 introduced in evidence -- okay? -- as Defendant's
11 Exhibit 40 and 41.

12 MR. FALLIS: May I approach the witness,
13 Your Honor?

14 THE COURT: Yes, sir.

15 BY MR. FALLIS:

16 Q Do you recognize this, sir?

17 A I believe that's what I saw. Allen said he
18 got it at the lab.

19 Q Okay. And when you had this conversation
20 with Mr. Miller, there was a discussion; should we go
21 back; should we try? And you both said, oh, no; we
22 were there; we had the helicopters there; we had the
23 dogs through there; there's no way. And you just
24 completely ignored that letter, correct?

25 A I didn't completely ignore it. I processed

1 it for prints. And -- but I said -- my testimony was I
2 didn't think we had enough probable cause to get back
3 in the back.

4 Q Well, that's a separate subject we'll get
5 into. Okay?

6 A But I'm trying to answer your question. I
7 didn't ignore the letter. I just said I didn't feel
8 there was enough to get back into the yard.

9 Q That was your opinion. You made no attempt,
10 though, did you? And you would not need any
11 permission, sir, to take another helicopter and fly
12 overhead 'cause you're not making a search -- an
13 invasive search. You could have done that, couldn't
14 you?

15 A But I had been doing that for a period of
16 time.

17 Q I'm talking about now on February 6th. Well,
18 maybe the body wasn't there at first sight. Maybe it
19 was put there the second time. You needed to follow
20 that up as well, did you not?

21 A But we had already searched that backyard
22 thoroughly, which we both agree.

23 Q Yes, sir. However, somebody's telling you
24 the body's there now, which could imply that it was
25 just either put there now and you need to get there.

1 Isn't that something that you could have thought of?

2 Maybe the situation changed?

3 A I can't answer that, Mr. Fallis, any more
4 than what I've already answered it. I don't feel like
5 we had enough to get back in that backyard. I felt
6 like we addressed it to the best of our ability, and I
7 did not feel like we could get back in there based on
8 what we had. We had already searched that backyard.
9 There wasn't anything of suspiciousness back there, but
10 I didn't look where that body was.

11 Q Sir, nothing suspicious. A letter telling
12 you to get over there with the dogs -- okay? -- should
13 have been something you thought a little bit more
14 about, unless you were so confident that the search
15 that you did originally was so good, you didn't need to
16 go back. You agree?

17 A I agree.

18 Q Okay. Now, you said you didn't have probable
19 cause. Now, how does a detective normally get a search
20 warrant?

21 A Well, you have to have a certain degree of
22 evidence that's brought before you that builds up.

23 Q Who -- who makes that determination?

24 A Well, I believe in -- my training and
25 everything would help me make that, but who I actually

1 bring that compiled evidence to --

2 Q Yes, sir.

3 A -- is the judge.

4 Q No, you don't. You go to the State Attorney.

5 A Well, the State Attorney and then a judge.

6 Q Correct. All right.

7 And then you get a legal opinion from the
8 State Attorney as to whether or not you should go
9 forward, isn't that correct?

10 A On -- on a search -- yes, on -- on a normal
11 search warrant, yes.

12 Q Is there an abnormal search warrant?

13 A This one -- yeah. This would have been an
14 abnormal search warrant, in my opinion, because there
15 was nothing new other than this anonymous letter that
16 was sent to us that had no backing on it other than
17 what it said, and it was anonymous than what I had on
18 March of 1993.

19 Q Just because it was anonymous, it didn't have
20 any value? Is that what you're saying?

21 A No. That's not what I'm saying.

22 Q Well --

23 A -- what I'm saying is if they had told me she
24 was buried in your backyard, no judge would have given
25 me probable -- no judge or State Attorney, based on an

1 anonymous letter that didn't have anything refreshed
2 since then, Mr. Fallis, to get me in that backyard.

3 Q Sir, you don't know that unless you try.
4 That's just your opinion. Normal circumstances, you
5 get something that you consider's important. You're
6 going to go to the State Attorney first. I don't say
7 you go running to the judge. You're going to go to the
8 State Attorney first. Unless it's 3:00 o'clock in the
9 morning, you're going to go to the State Attorney.
10 Okay? You didn't do that in this case, though, did
11 you?

12 A Mr. Fallis, in my experience -- no. To
13 answer your question, no, I didn't. But it was based
14 on my experience.

15 Q That's all I want to hear. Okay?

16 A I know.

17 Q Now, have you ever testified under oath, as
18 you are today, and stated the fact that you did run
19 dogs through the -- all through the house and through
20 the ditch line?

21 A I believe we did run dogs up and down the
22 ditch line behind the house. That I know we did but --

23 Q And in the house.

24 A I don't -- I don't remember if I -- if I did,
25 then it was -- I was under the assumption that we had.

1 So -- and that's even -- I even put that in my report,
2 that we had run dogs in that house after we had gotten
3 that letter.

4 Q All right, sir. But you also stated under
5 oath, did you not?

6 A No. I'm not saying I --

7 Q I can refresh your recollection.

8 A I'm not -- I'm not disputing it. If you have
9 a depo there, I have no problem with admitting that I
10 did that. I'm saying that I don't believe I did that
11 back then.

12 MR. FALLIS: May I approach, Judge?

13 BY MR. FALLIS:

14 Q Not if I had a depo. I have a depo. I would
15 like to give you the benefit, sir, of reviewing it so
16 the jury is -- it's very clear to the jury that we're
17 not talking about something that doesn't exist.

18 A I'm not disputing that it does exist. If you
19 want to give it to me, I'll be glad to look at it.

20 Q So, in fact, you did, on more than three
21 different times under oath, say that you ran those dogs
22 through in and out of the house. You ran the
23 helicopter with no success. Okay? Now I'm hearing on
24 your direct examination that could have been a mistake.

25 Sir, taking depositions under oath is a very

1 serious matter, are they not?

2 A Absolutely.

3 Q And they better be true. 'Cause you know
4 what --

5 MR. MIZRAHI: Your Honor, objection,
6 improper impeachment.

7 THE COURT: Overruled. I don't know
8 that's what he's trying to do.

9 MR. FALLIS: Thank you.

10 BY MR. FALLIS:

11 Q If you lie -- if you lie, if you misstate
12 something under oath, that's a serious matter isn't it,
13 sir?

14 A Yes, if I lie.

15 Q Well, if you said something that isn't
16 true -- I won't call it a lie. Okay? If you say
17 something that isn't true under oath, it's a serious
18 matter.

19 A Yes.

20 Q Okay. Now, I also -- I might just jump
21 around a little bit and I apologize for that. But the
22 way your book is written, it goes all over the place
23 too, right? So if you'll bear with me in that. Okay?

24 Now, you talked about, quote, this Curt
25 Jolicoeur of being such a cooperative person, and

1 you -- originally, maybe you thought of him as a
2 suspect but didn't take long before you just got that
3 out of your mind.

4 Now, you did have some conversations with
5 Curt Jolicoeur concerning his relationship with Bonnie
6 Haim, right?

7 A Right.

8 Q And he -- he didn't tell you, quote, this was
9 just, like, a one-night stand, did he?

10 A I'm not sure -- well, no. He said that they
11 had been -- he said he -- they had been talking since
12 around Thanksgiving, but the only sexual contact that
13 they had was one night.

14 Q As far as sex. Okay? However, the
15 relationship and the intimacy, the closeness he
16 discussed in further detail, didn't he?

17 A Yes. There was further, I think, lunches and
18 things like that.

19 Q He did, in fact, tell you about lunches,
20 right?

21 A I believe so, yes.

22 Q And he also told you -- did he not? -- that
23 Bonnie arranged for Michael to go to the Gator Bowl so
24 she could be with him.

25 A That's correct.

1 Q And him with her.

2 A I believe it was the Sunshine Inn.

3 Q Exactly.

4 And he also told you that the day that Bonnie
5 disappeared, they had lunch together that day, didn't
6 he?

7 A I believe it was that afternoon.

8 Q Well, day, afternoon, right? The day she
9 disappeared, they had lunch, right?

10 A I believe so, yes, sir.

11 Q Like I said, your reports are really
12 important and they need to be accurate. So far, you're
13 telling me with the exception of the dogs, maybe the
14 rest of them are accurate?

15 A Yes, I believe so. I -- I testified under
16 direct that I felt like that was a mistake.

17 Q Okay. And as a matter of fact, he even told
18 you he went to The Loop. He even told you where they
19 went, right?

20 A Yes, sir. I mean, if you can tell me which
21 page you're on.

22 Q Sure. 22 -- 23 of 51. I've got three, four
23 supplements. I think, I'm not sure.

24 A If you just tell me the number and what
25 the --

1 Q 23 of 51.

2 A -- is, I can find it. This is my
3 January 10th interview -- I'm sorry -- January 9th
4 interview, right? That Saturday afternoon.

5 Q Correct.

6 A That's my first interview with him.

7 Q Right.

8 Did you find that?

9 A Yes, sir. I'm here. I'm sorry.

10 Q I apologize.

11 And he also told you that Bonnie told him
12 that if it was up to her, their relationship would
13 continue.

14 A That's correct.

15 Q And that's Curt Jolicoeur, right?

16 A Yes, sir.

17 Q Now, if Mr. Jolicoeur would say that this
18 never happened, then there would be difference of
19 opinion between --

20 MR. MIZRAHI: Objection, Your Honor.

21 THE COURT: Sustain the objection.

22 BY MR. FALLIS:

23 Q Now, you said that you followed up on all
24 the, quote, leads as best you could, right?

25 A Yes, sir. We took great efforts to try to do

1 that.

2 Q Now, like I said, you were pretty much the
3 lead detective. But were you also told about a call
4 from a Mary Hogan, who said that she saw Bonnie on the
5 north side, on Dunn Avenue. I think it was at a Taco
6 Bell, correct?

7 A Can you help me get to that page? I know
8 it's in this same supplement. I'm just not sure which
9 page it's on. I think it's on -- near the front.

10 Q Like I said, unfortunately, they're scattered
11 all over.

12 A I got it. It's on Page 8 of the supp. It's
13 not a call that I took.

14 Q Correct.

15 A It's a call that Sergeant Japour took, and
16 the information was relayed to me.

17 Q But it was relayed to you. So it's important
18 what you would do to follow up. Now, you realize that
19 was something that probably needed to be followed up,
20 correct?

21 A Yes. But I -- but there's a little bit more
22 to that answer, so I'm not sure if you want me to --

23 Q Why don't you just let me ask the
24 questions --

25 A Okay. Go ahead.

1 Q -- and answer. Okay?

2 Now, you know from your investigation that
3 Bonnie had been in that neighborhood and visited her
4 friend Sandy Wooden about that time that Mary Hogan is
5 saying she saw her, correct?

6 A Yes, sir.

7 Q Okay. And she also said that she knew Bonnie
8 because Bonnie was, quote, a niece-in-law, isn't that
9 what she said?

10 A Yes.

11 Q Now, if I were to tell you that Mary Hogan
12 was, in fact -- could be Eveann's --

13 MR. MIZRAHI: Objection, Your Honor.

14 THE COURT: Sustained.

15 MR. FALLIS: I didn't get the objection,
16 Judge. I like the record to --

17 THE COURT: I sustained it.

18 MR. MIZRAHI: Facts not in evidence.

19 BY MR. FALLIS:

20 Q I'll give you a hypothetical.

21 MR. MIZRAHI: Same objection, Your
22 Honor.

23 THE COURT: Sustained. Move on,

24 Mr. Fallis.

25 BY MR. FALLIS:

1 Q Anyhow, that was never followed up on, was
2 it?

3 A No, sir, it wasn't. But I have a reason why
4 it wasn't.

5 Q Well, give me a good reason why it wasn't
6 followed up.

7 A Well, you stated it yourself. She was in
8 that area prior to her coming home to Mike.

9 Q Correct.

10 A So the investigative or the probative value
11 of where that was going to take me in the investigation
12 of what she was -- the fact that she was seen at a Taco
13 Bell in the same area that she had been to the Walmart
14 prior to her coming home and having the marital
15 discussions with Mike, leaving the house allegedly by
16 her husband, having those -- what investigative value
17 am I going to get by contacting this lady? She's
18 already telling me she's in an area prior to her
19 disappearing that I already know she's in. So I don't
20 understand --

21 Q She said --

22 A Well, let me finish. I don't understand what
23 the investigative value of that for me would have been
24 when it's already established by Sandy Wooden, Mike and
25 everybody else where she was that night prior to her

1 disappearing.

2 Q Yeah. Except she said she saw her with a
3 25-year-old man.

4 A I -- I understand that but she's still in the
5 area that she was -- that she -- they said that she was
6 in. She was still -- she's not saying that for sure
7 that she recognized -- she said she recognized her as
8 the Haim girl, but at the same time, she's not saying
9 it's positively her. She's not -- she's still in the
10 area that she said she was at.

11 I -- I don't understand where -- I don't
12 understand where the investigative -- where you're
13 feeling that I missed something there by not following
14 that lead.

15 Q I'll be happy to tell you.

16 A Okay.

17 THE COURT: No. Just ask a question.

18 We're not arguing here.

19 BY MR. FALLIS:

20 Q Did she say she saw her with a 25-year-old
21 white male the night she disappeared? Okay?

22 A She said she possibly -- she said she
23 possibly saw him. There's not a definite that she was
24 with him. And it was possibly.

25 Q Sir, that's not what she said, sir.

1 A That's what my report indicates.

2 Q Well, no your report says that they smiled at
3 each other.

4 A Not -- not her and the male. Her and
5 Miss Hogan smiled.

6 Q Yes.

7 A Okay.

8 Q Recognizing her. And they smiled and
9 acknowledged each other, sir.

10 A But she's not saying that she positively
11 knows that that individual was with Miss Haim. That --
12 that's what I'm saying. She could have been seeing a
13 guy that was standing in line with her, and it still
14 doesn't prove that there's anything in regards to her
15 disappearance. That's what -- I'm trying to get my
16 point across to you.

17 Q Mr. Hinson, you're saying that it was not
18 important that she saw -- she was seen with a
19 25-year-old white male the night she disappeared, and
20 there's no reason to follow it up because this
21 person -- answer this question -- because that person
22 didn't say, I positively -- I only gave you her name,
23 but I didn't positively and wasn't standing next to
24 her. Is that what you're saying?

25 A I'm not saying it's not important,

1 Mr. Fallis. I put it in my report.

2 Q Correct. But it wasn't important enough to
3 follow up on, was it?

4 A Not in my opinion, based on the facts of
5 what --

6 Q You answered the question, sir.

7 A Thank you.

8 Q Judge, doesn't want us to have a battle.

9 This is question and answer. Okay? I don't want --

10 THE COURT: Questions and answers,
11 that's right. That's the purpose of cross
12 examination.

13 MR. FALLIS: Exactly. And proper
14 responses.

15 THE COURT: What's that?

16 MR. FALLIS: And proper responses as
17 well.

18 THE COURT: I want him to make proper
19 responses. That's correct.

20 BY MR. FALLIS:

21 Q Now, before you discharged Mr. Jolicoeur as a
22 witness, you never -- never investigated or searched
23 his car, did you?

24 A No.

25 Q You never tried to find out where he was the

1 evening that she disappeared?

2 A No.

3 Q Don't you think maybe that's something that
4 maybe, if you're going to do a thorough job, that you
5 probably needed to do if he was, quote -- before you
6 discharge him as a suspect, before you discharge him as
7 a suspect, find out, in fact, where he was?

8 THE WITNESS: Your Honor, I can't answer
9 that yes or no, so I'm not sure how you --

10 THE COURT: Just answer the question as
11 best you can, Mr. Hinson.

12 THE WITNESS: I can't answer that
13 question the way you asked it. I did what --
14 I did what I felt like I needed to do with
15 Mr. Jolicoeur.

16 BY MR. FALLIS:

17 Q Well, if you're going to --

18 MR. MIZRAHI: May we approach,
19 Mr. Fallis?

20 THE COURT: Yes, sir.

21 (The following sidebar conference was had out
22 of the hearing of the jury:)

23 MR. MIZRAHI: I apologize for the slight
24 delay.

25 I had informed the witness that if he

1 ever wanted to answer about the lie detector
2 test that Jolicoeur passed that he was
3 supposed to answer the way he just answered.
4 And it took me a second to --

5 THE COURT: Which is to say?

6 MR. MIZRAHI: I don't know how to answer
7 that question.

8 THE COURT: Did you expect that?

9 MR. FALLIS: I don't know if that's what
10 his answer is going to be judge, about a lie
11 detector test because he didn't take it lie
12 detector test until weeks later.

13 MR. MIZRAHI: I understand that,
14 Mr. Fallis. But the question was was it
15 important to do all this follow-up? And I
16 think his answer will be that once he passed
17 the lie detector test -- I don't want him to
18 say this, Mr. Fallis. Calm down.

19 MR. FALLIS: I don't either.

20 THE COURT: The jury is watching you.

21 MR. MIZRAHI: He's being very careful
22 per my instructions because I think his
23 answer is going to be having passed a lie
24 detector test, I didn't feel it was necessary
25 to go back and do all of this.

1 MR. FALLIS: And I appreciate you doing
2 that and instructing your witnesses.
3 However, the time frame I was relating to
4 wasn't at the time of the lie detector. But
5 in abundance of caution, I will -- so it
6 doesn't come out even inadvertently, I'll try
7 to rephrase it where it doesn't involve any
8 lie detectors. Okay?

9 THE COURT: Okay.

10 (At the conclusion of the sidebar conference,
11 the following further proceedings were had in the
12 presence of the jury:)

13 BY MR. FALLIS:

14 Q I just that supp, one of your supps, 34, 51?

15 A No, sir. I was at Page 8. Want me to go
16 back to 34?

17 Q Yeah, please.

18 A Okay. I'm there.

19 Q Okay. Once, again, we talk about sightings.
20 Okay? And there was a sighting by a Mr. Delmon Howell,
21 H-O-W-E [sic], correct?

22 A That's correct. It's 1650 hours. Detective
23 Morgan interviewed him.

24 Q Correct. But this is all part of your
25 report, right? We have no reason to --

1 A No. I have no reason to doubt it. I'm just
2 saying I didn't speak to him. That's all.

3 Q Fine. And he stated that Mr. Howell saw an
4 individual that looked like the victim walking down
5 Airport Road towards the Red Roof Inn, correct?

6 A Correct.

7 Q And he was a shuttle drive at that time,
8 right?

9 A Correct.

10 Q And he saw her walking past the Texaco
11 station towards the Red Roof Inn, right?

12 A Correct.

13 Q And what follow-up did you do on that?

14 A I did not do any. I don't know if Tommy did
15 but I did not do any.

16 Q As far as you know, nobody did any follow-up,
17 correct?

18 A I don't know if they did. No, sir, I don't.

19 Q So the answer is?

20 A No.

21 Q Okay. No. The answer is yes, nobody did.

22 A Yes, no nobody did follow-up.

23 Q All right. Now, we talked about some prints
24 that were taken, right? There were prints taken of the
25 car, right?

1 A That and the glove -- out of the glove box.

2 Q Just to go back to Mr. Howell again. Okay?

3 A Okay.

4 Q My understanding is actually, he -- he was
5 shown a picture, and he said he was reasonably sure,
6 isn't that correct?

7 A That's correct. Tommy -- Detective Morgan
8 showed a photo up to when he was relatively --

9 Q Reasonably.

10 A -- reasonably sure.

11 Q Okay. Once again, there was no follow-up.

12 All right. Oh, by the way, you had some
13 contact with Eveann Haim during this whole
14 investigation, right?

15 A Couple times, yeah, we spoke.

16 Q All right. What was this thing about her
17 telling you about there were two graves in Gainesville?
18 What was that about?

19 A Can you show me in my report where we're at.

20 Q Absolutely. 12 of 23. I'm sorry. 19 of 23.

21 A 19 of 23?

22 Q That's what I have here. I'll check it?

23 A Okay. I see it. It's at the bottom. On
24 April 6th of '93?

25 Q Yeah. What was that about?

1 A I don't -- I don't -- she was just giving me
2 information. I don't -- I don't -- I don't know -- I
3 don't know. I can't -- the question is what was that
4 all about? I don't -- I don't know.

5 Q Well, what did you do about it?

6 A I'm not sure. I'm not sure -- I'm not sure
7 if we followed up on that. I'm not sure.

8 Q Well, I believe there is somewhere else in
9 your report that you actually did. You called the
10 Gainesville Police Department and you spoke to somebody
11 out there.

12 A And that may be. You -- you've got me at a
13 little bit of disadvantage because of it being such a
14 long investigation. If you could just point me to the
15 page. I'm not saying that I didn't send somebody out
16 there. I -- there's not very many times that I got
17 reports of graves that I didn't at least look so --

18 Q Well, I would think you would remember if
19 somebody, like, in the family tell you there's graves
20 out there. And you did, by the way, follow up on it.
21 I was just wondering what it was about. That's all.
22 You actually called -- you named, in one of your
23 reports, the homicide detective you spoke to in
24 Gainesville.

25 A And I'm not -- I'm not disputing any of that.

1 But you're -- but you're asking me about 26 years of an
2 investigation that I'm refreshing myself with notes on.
3 Some of it -- some of it I remember. Some of it I
4 don't. But what the deal was on the graves, I don't
5 know.

6 Q Sir, I wasn't criticizing you. I was just
7 asking you what the deal was because I have some
8 curiosity, and you knew more and what was in the report
9 that we -- we all need to know about.

10 A I -- I don't know how to respond to what's
11 the deal.

12 Q It wasn't, quote, impeached or anything else
13 like that. It's just something that --

14 MR. MIZRAHI: Objection. Can we just
15 move on to the next question?

16 THE COURT: Mr. Fallis is moving on to
17 the next question, I believe.

18 MR. FALLIS: Sure.

19 BY MR. FALLIS:

20 Q The only reason I ask you that, sir, is it
21 appears that Miss Haim does not remember ever calling
22 you and telling you that is the only reason.

23 Now, on one of the searches that you went to
24 at Michael Haim's house, you were crawling around on
25 your hands and knees, right?

1 A It was not one of them. It was the
2 March 17th search.

3 Q That was one of them. There were two
4 searches, right? It was the March --

5 A Well, I wasn't at the first consent to
6 search.

7 Q Okay. Well --

8 A But the March 17th search.

9 Q Yeah, right. I said on one of them. So it
10 was March 17th, right? And then you looked under the
11 shed, right?

12 A Right.

13 Q And you ran dogs again through there, right?

14 A Right. That's what it said.

15 Q That's what you said.

16 And, of course, you came up with negative
17 results, right?

18 A Yes.

19 Q And by the way, the purse -- there was never
20 any attempt -- okay? -- to have that purse checked out
21 for fingerprints or even DNA, even though it was not
22 quite as sophisticated as it is today, correct?

23 A Correct.

24 Q You were aware of some cases right here in
25 Jacksonville where that was done and somebody who had

1 been falsely accused --

2 MR. MIZRAHI: Objection, Your Honor.

3 THE COURT: Sustained.

4 BY MR. FALLIS:

5 Q Do you recall any -- any cases where
6 eventually --

7 MR. MIZRAHI: Objection, Your Honor.

8 THE COURT: That's what I just
9 sustained, Mr. Fallis.

10 MR. FALLIS: Well --

11 THE COURT: I sustained it.

12 MR. FALLIS: -- he's a detective.

13 THE COURT: Mr. Fallis, move on.

14 MR. FALLIS: All right.

15 BY MR. FALLIS:

16 Q So you didn't think it was important to do
17 that, right?

18 THE COURT: Well, let's go back --

19 BY MR. FALLIS:

20 Q Or have it done.

21 A The purse had not been preserved for prints.
22 The purse had not been secured. When I got the purse,
23 it was open. It was an open container. The purse had
24 been out of the control of the police. It was -- there
25 was what -- I don't know what probative value or

1 investigative value would have been there. So to
2 get -- to answer your question is yes. I made the
3 determination to place the purse into the property room
4 because it had not been properly secured, had been
5 turned back over. And I don't know what any
6 investigative value -- anything I would have gotten out
7 of it would have been. So it was not done.

8 Q How about the possibility of finding the
9 fingerprints of the person who threw it in the
10 dumpster?

11 A Mr. Fallis, the purse had not been preserved.
12 I wasn't going to get anything off of that purse.

13 Q Sir --

14 A You -- you can say whatever you want to say
15 about the possibility. I -- I'm just telling you,
16 when -- when there's not a proper preservation of
17 evidence on a piece of evidence, what am I going to try
18 to preserve to get off of it?

19 Q I'll answer that question since you're asking
20 questions. Okay?

21 THE COURT: No. Maybe put it in the
22 form of a question, Mr. Fallis.

23 MR. FALLIS: I am, Judge.

24 THE COURT: Thank you.

25 BY MR. FALLIS:

1 Q Can't you do fingerprints by elimination?

2 A Yes.

3 Q Correct.

4 So in other words, if you did the
5 fingerprints on it, then you can do, by elimination --
6 if they're good prints, eliminate certain people, and
7 then maybe you're left with some people you can't
8 eliminate and then follow up on that. Now, isn't that
9 regular procedure? You know, do you have to preserve
10 something in -- under the glass? I mean, they do that
11 all the time, do they not?

12 A No, they don't do that all the time.

13 Q Okay.

14 A But to answer your question, there is a
15 proper procedure for processing fingerprints, and the
16 proper procedure on this purse, before I was ever
17 involved in the case, had been it had been given back
18 to Mr. Haim. So there was no way to follow up on it
19 from that point forward.

20 Q Sir, fingerprints can last on an item,
21 leather, glass anything for years, can't they?

22 A I can't -- I can't answer it.

23 Q You're not familiar with --

24 A I can't answer the length of time on -- that
25 would be somebody that would be more familiar with

1 that.

2 Q You've been in this business a long time.

3 Haven't you heard that fingerprints last a long time?

4 A Unless -- again, I can't answer that question
5 'cause I'm not a fingerprint expert.

6 Q Well, I'm not asking you as an expert. I
7 thought you had that general knowledge. Obviously, you
8 don't.

9 But there is a process where you -- if you
10 get an item and you find a whole bunch of fingerprints
11 on it and you know who the knowns are -- right?
12 Obviously, Bonnie Haim would have been a known. But
13 anybody else's fingerprints on that, if they are found,
14 would be unknowns, would they not?

15 A Correct, under your assumption. Under your
16 assumption or your story, yes.

17 Q Under my assumption.

18 A Of what you're stating, yes.

19 Q You don't think that applies?

20 A Oh, I didn't even have Bonnie's fingerprints.

21 Q I'm just saying you would find fingerprints
22 on there. Okay? You could find Bonnie's fingerprints
23 elsewhere. You didn't have to find them from the
24 purse. You could have gone to the house and found
25 other things that she touched that you know she touched

1 to get her fingerprints for comparison, could you not?

2 A But how do I know that's what her
3 fingerprints are if she's touching them? I don't -- I
4 don't know how to answer your question, Mr. Fallis.
5 That's not the way we collect fingerprints off of
6 people. I go and get your fingerprints and roll
7 your -- I mean, you were with me when I got Mr. Haim's.
8 We have to get them from him at the time. So I
9 don't -- I don't understand your question, where you're
10 going with that in regards to the purse.

11 Q That was the -- that's the ideal situation.
12 But, however, you're not always faced with ideal
13 situations. Sometimes you have to get fingerprints or
14 DNA different ways, correct? You don't ask that
15 somebody come and take fingerprints. You were doing
16 Miss Haim's home. Okay? You went through her personal
17 belongings. Isn't it reasonably certain that you could
18 get, quote, a copy of fingerprints of something that
19 was exclusively hers?

20 A I -- I can't answer that. I mean, that -- I
21 still would be faced with the same -- and I still don't
22 know why that -- I still would be faced with the same
23 issue, if that is Bonnie's fingerprints. And that
24 doesn't answer your question in regards to why I didn't
25 process the purse. I think I've answered why I didn't

1 process the purse, because the purse was out of our
2 control and wasn't preserved. So I thought that was
3 the initial question. So I'm a little confused with
4 where you're going.

5 Q Well, let me see if I can un-confuse you.
6 Your get a piece of evidence -- okay? -- that has never
7 been in your control. You can take it and have it
8 processed, right? Doesn't have to be in your control
9 to have it processed.

10 A Correct.

11 Q Okay. That's all I want to know.

12 Now, on direct, there was a question about
13 finding these keys. You recall your question that
14 Mr. Mizrahi asked you and the answers you gave?

15 A Yes, I do.

16 Q Okay. Now, that's always been a question --
17 correct? -- for you. As of February 27th of last year,
18 you still were dumfounded or confounded by that, were
19 you not?

20 A The key question?

21 Q Yes, sir.

22 A Yeah. I didn't quite understand the
23 question. Can you explain the question a little bit?
24 I'm not sure what the question --

25 Q Sure. Let me do this. Okay? So I'm going

1 to refresh your memory.

2 A What page are you on?

3 Q On Page -- this is your deposition.

4 A Oh, okay.

5 Q Do you have it with you?

6 A No, I don't have the --

7 MR. FALLIS: You mind if I approach,
8 Judge?

9 THE COURT: No. What's the question
10 that you want to ask him first?

11 MR. FALLIS: Well, I want to ask, has he
12 always -- I want to give him the benefit to
13 read his --

14 BY MR. FALLIS:

15 Q Were you also confounded about the
16 situation -- the issue with the keys, which you
17 testified to on direct?

18 A About the key in the purse?

19 Q Yeah, yeah, and the keys -- the keys in
20 general, the keys to her car in general.

21 A I was always under the impression there was a
22 key in her purse and a key that was taken to FDLE. And
23 there was reference to a -- to maybe another key that
24 was on a refrigerator, but that was out of my purview.
25 So that may be what you're referring to and may be what

1 I testified to in my depo about being confused. But
2 I'd have to see my depo, Mr. Fallis, to -- to know what
3 you're talking about with it.

4 MR. FALLIS: May I approach, Judge?

5 He'd like to have his memory refreshed.

6 THE COURT: Well, you haven't asked
7 the -- what key --

8 MR. FALLIS: Well, I did. I asked if
9 he's confounded. He said he would like to
10 see his deposition, Judge. I want to give
11 him the opportunity to read it.

12 THE COURT: What key issue are you
13 referring to?

14 MR. FALLIS: (Inaudible).

15 THE COURT: The key in the purse?

16 MR. FALLIS: Yes, the keys in the purse,
17 the keys on the refrigerator. He doesn't
18 know how many keys. On direct, Mr. Mizrahi
19 asked him about it and I think --

20 THE COURT: Okay. Go ahead and show him
21 the deposition.

22 MR. FALLIS: Thank you.

23 THE COURT: Go ahead. You can approach.

24 THE WITNESS: This is your statement or
25 is this mine? It says question. That just

1 perplexes me.

2 BY MR. FALLIS:

3 Q I'm asking the questions. You're giving the
4 answers.

5 A Okay. It usually says answer. Is that my
6 answer?

7 Q Yes.

8 THE COURT: Let's don't have a private
9 conversation. Just show him his deposition.
10 You can ask him the question.

11 THE WITNESS: Go ahead. I'm with the
12 page you want me to --

13 BY MR. FALLIS:

14 Q I want you to read it. Then I want to take
15 it back.

16 A Okay.

17 That -- this -- this portion. Okay. Go
18 ahead.

19 Q My question, sir, has it ever been determined
20 to you exactly how many keys there were to Bonnie's
21 car, where they were and who had them?

22 A I believe there were two. And I believe when
23 I gave that depo, the part that you have marked in the
24 blue is your -- your statement. And you asked me a
25 question. And this is kind of -- I'm going by memory

1 from what I saw, just read. You said: This perplexes
2 me. Did you ever figure out these darn things and
3 where they went?

4 And I said: No.

5 But since that time of that depo, there seems
6 to have been mentioned, when the -- when Sergeant
7 Justice, Sergeant Japour and Sergeant Hayes were doing
8 the consent search, about a possible key on the
9 refrigerator at the house, during the consent to search
10 on March -- I'm sorry -- on January 8th.

11 Then there was another set of keys at CPT
12 that Detective McCallum was able to gather and take to
13 FDLE for the car. That's the known set of keys that I
14 know, whereas a set of keys that came out of CPT. And
15 there was a key set that I circled to show y'all that
16 was in the purse that was like a valet key.

17 So since the depo and today's testimony, I
18 believe, yes, there's two sets of keys and that's where
19 they came from.

20 Q You've answered my question.

21 A Thank you.

22 Q And the keys that Detective McCallum got,
23 reported he got from Miss Pasciuto, correct?

24 A That's what my report says, yes.

25 Q Thank you.

1 Now, you also did some searches of some other
2 vehicles, including John Haim's vehicle, right?

3 A I'm sorry. Would you repeat?

4 Q You also had some searches done on other
5 vehicles, including John Haim's vehicle, correct?

6 A That's correct.

7 Q That was the Oldsmobile, right?

8 A That's correct.

9 Q And also Michael Haim's work truck, correct?

10 A Correct.

11 Q And neither of those searches yielded -- oh,
12 and his Trans Am too.

13 A Correct.

14 Q And neither -- neither or any of those
15 searches revealed anything that -- of any evidentiary
16 value, is that true?

17 A That's correct.

18 Q Now, you were also told, I believe -- I know
19 it's in your report. Well, maybe you don't need the
20 report -- that Michael needed directions to the Holiday
21 Inn when he was told -- I mean, to the Red Roof Inn
22 when he was told that his wife's purse was there. Do
23 you recall that?

24 MR. MIZRAHI: Your Honor, I believe this
25 is going to call for a hearsay response.

1 THE COURT: Repeat the question,
2 Mr. Fallis.

3 MR. FALLIS: Yes.

4 BY MR. FALLIS:

5 Q You were also informed, were you not, that
6 Michael Haim needed directions from Faulk, where the
7 Holiday Inn was located.

8 THE COURT: Sustained.

9 BY MR. FALLIS:

10 Q I know you were asked and I was looking for
11 it. But I know you've got it in your report and I'll
12 find it for you. Okay?

13 MR. MIZRAHI: Your Honor, object and ask
14 that that be stricken.

15 THE COURT: Strike it from the record.

16 BY MR. FALLIS:

17 Q Can you recall where in your report that is,
18 sir?

19 A I was just looking -- I -- I had no contact
20 with Randy or Officer Faulk. And I was looking and the
21 only thing that I -- that I had was what I would have
22 taken from Detective Morgan's reports. And so I would
23 have thought that would have been near the front of
24 the --

25 Q 32. 32 of 51.

1 A Oh, it's at the back? Okay. I'm looking at
2 the wrong end.

3 Q Once again, you -- but your duty is actually
4 taking some reports from other people who were working
5 with you and incorporating into your report, correct?

6 A That -- that is correct on some of them. But
7 I always try to preface it by Detective Morgan stated
8 or Detective --

9 Q Well, you did here. And you -- and I'm not
10 sure who it was. That's why I was -- it is Detective
11 Morgan, actually.

12 MR. MIZRAHI: Your Honor, objection. I
13 don't think we got a clarification on the
14 ruling for Mr. Fallis.

15 THE COURT: The question about
16 directions, I -- directions to the hotel, I
17 sustained that as hearsay. I sustained the
18 State's objection.

19 MR. FALLIS: Well, Your Honor, I'm not
20 offering it for the truth of the matter
21 asserted. Okay? I'm offering to see what
22 effect it had on this lead detective --
23 okay? -- to verify whether or not Mr. Haim
24 needed directions or not, whether that was,
25 quote --

1 THE COURT: Mr. Fallis --

2 MR. FALLIS: -- the State.

3 THE COURT: Mr. Fallis, I sustained the
4 objection.

5 MR. FALLIS: May I have a moment, Judge?

6 THE COURT: Yes, sir.

7 BY MR. FALLIS:

8 Q Now, you did a bit of canvassing out there at
9 the -- around the airport, around the Red Roof Inn, did
10 you not?

11 A Yes, sir.

12 Q And you went to some bars and some hotels,
13 right?

14 A Correct.

15 Q You only went to the places when you were out
16 there that were open, right?

17 A I went that night after we found the car, so
18 to answer your question, yes, I went to the hotels. I
19 don't remember the bars but I could have been in a bar.
20 I just don't remember.

21 Q And at that time, you didn't show anybody any
22 pictures of Bonnie Haim, did you?

23 A I believe -- can you tell me what page you're
24 at so I don't --

25 Q Well, I'm asking you, did you ever show any

1 pictures?

2 A Can you -- can you show me what page you're
3 at and what you're referring --

4 Q Well, I'm asking you from your independent
5 recollection. Do you recall if you showed any
6 pictures?

7 A I believe I showed a picture out at some of
8 the hotels, but she'd already been -- the news coverage
9 had here been out that night.

10 Q How about pictures of Curt?

11 A No.

12 Q Okay.

13 A I didn't know about Curt.

14 Q Well, you never went back out there again
15 either, did you?

16 A No, I didn't. 'Cause they did not see her.

17 Q Okay. Now, this Korbeck, Alex Korbeck, why
18 is it that he got your attention?

19 A As I recall, there was a report, when we were
20 doing the canvass, that there was someone standing
21 outside -- I believe it was room 256, I believe, and --

22 Q Let me ask you. 256 was where?

23 A At the Red Roof Inn.

24 Q Where is that?

25 A I can't remember off the top of my head. I

1 want to say it was in fairly close proximity. Would
2 have been on the second floor, and it would have been
3 near or around the area of the back of the hotel, maybe
4 on --

5 Q Where the dumpsters are?

6 A Possibly in close proximity to where the
7 dumpster was.

8 He was standing outside and his actions, he
9 was standing out. And he had a Virginia plate. We
10 were able to identify him fairly quickly from the room
11 registration. He, I believe, already left. He was --
12 we later found out he was traveling down to Naples,
13 Florida.

14 Q To or from?

15 A I'm under the impression he was going to. He
16 may have been coming back.

17 And then we were able to catch back up with
18 him again down in Naples. They tried to locate him
19 down there to see if anything was going on. We finally
20 ran into him and got to talk to him up in Alexandria,
21 Virginia, where we went up and interviewed him and
22 cleared him through investigative means.

23 Q Did you have anybody from the Naples Police
24 Department interview him for you? Did you ever have
25 anybody from the Naples Police Department interview him

1 for you?

2 A I don't think they were able to locate him,
3 Mr. Fallis, unless there was something in my report
4 that says. I'm going by memory now only, but I think
5 he was already -- he was already gone, I think.

6 Q And you had reason to believe that he was
7 acting suspiciously?

8 A Well, I didn't. I was -- that's just what
9 was reported to me, that some of his behavior was he
10 was standing there kind of staring off. But we're
11 digging around in the dumpster so people we were asking
12 questions. Did you see anything suspicious?

13 And they said, well, this one guy he kind of
14 stood out.

15 And so we were able to find out who he was,
16 and so then we went from there.

17 Q The source of that was employees, was it not,
18 of the -- I keep saying Holiday -- Red Roof Inn?

19 A I don't remember where the source was, but I
20 won't dispute you on that.

21 Q Okay. Now, those prints I asked you about on
22 the trunk of the car, were they ever sent to be
23 processed? And I didn't say there were prints, and
24 there are actually pictures of prints and nail marks on
25 the trunk of that Camry. Do you know if they were ever

1 processed and sent for comparison?

2 A I -- I don't know what you're talking about.

3 Q Are you aware that there were fingerprints on
4 the trunk of that vehicle?

5 A I don't -- I don't -- I thought the only
6 prints were from inside the vehicle.

7 Q No. There were actually, according to the
8 reports we have, prints in the photographs of the rear
9 of the vehicle. You were never made aware of that?

10 A To be honest with you, unless you show me.

11 Q Yes.

12 A Obviously, yeah. I never -- I mean, if you
13 have a picture of them or an evidence technician
14 report?

15 Q We have pictures. And the problem is I don't
16 have an evidence technician report. That's why I was
17 asking if they were ever submitted.

18 A Well, I don't know where you're getting the
19 photos from the trunk. I don't know where the car is
20 photographed. So if the car's at the lab --

21 Q Okay. Let me show you -- after the car --
22 well, I'll give you the background so you understand.
23 After the car was towed from the airport, it was taken
24 to the FDLE. These photos were taken at FDLE.

25 A Okay.

1 Q Okay.

2 MR. FALLIS: May I approach, Judge?

3 THE COURT: It's on the screen.

4 MR. FALLIS: Oh, okay.

5 THE WITNESS: I -- I touched the screen.

6 BY MR. FALLIS:

7 Q Sir, do you recognize this photo?

8 A No.

9 Q Okay. So you're seeing it for the first time
10 today?

11 A Yes.

12 Q Okay. And so had you been aware, do you
13 think that maybe those prints might have been something
14 that you would have definitely wanted to have examined
15 and processed?

16 A Are you sure they weren't? I mean, if
17 they're going to this much problem to photograph them,
18 I would think there would be an FDLE report saying that
19 there's nothing from FDLE.

20 Q No, sir.

21 A Okay. I can't answer that.

22 Q And I'm asking you because you are the lead
23 detective and everything comes back to you. If there's
24 a request of FDLE, it all comes back to you and becomes
25 part of your -- your book or your file. So the answer

1 is?

2 A No.

3 Q No. Okay. That's all I wanted to know.

4 Now, at that time of the remainder of
5 discovery, you were just -- you were at the State
6 Attorney's Office?

7 A Yes, sir, that's correct.

8 Q And you were an investigator?

9 A Yes, sir, that's correct.

10 Q Were you assigned, either directly or
11 quasi-directly, by the State Attorney's Office to
12 pursue this case?

13 A No.

14 Q You weren't?

15 A No. I was -- I was advised to assist in any
16 way I could, but I was not assigned the case. It was
17 the Jacksonville Sheriff's Office.

18 Q Well, to assist.

19 A Sir?

20 Q To assist then.

21 A Yeah, yes.

22 Q Okay. Now, being an assistant, if you
23 thought there was something that should be done, you
24 would have probably brought it to the attention of
25 whoever was running the show?

1 A If I was made aware of it, I would have
2 offered my suggestions.

3 Q Well, even on your own to think of, to make a
4 suggestion.

5 A If I was made aware of what was going on, I
6 would have offered my suggestions.

7 Q Well, I was just wondering whether or not it
8 occurred to you that maybe there would have been some
9 value in looking for some trace evidence from the grave
10 site. Would that be something that you'd think, being
11 back with JSO, would that be something you would want
12 to have done?

13 A I'm not sure how I can answer that.

14 Q Trace evidence?

15 A I'm trying to --

16 Q Sure.

17 A -- pick the way I can answer that. I was
18 assigned to assist in the investigation because of my
19 knowledge up until that point. Up until that point,
20 I -- I didn't -- I -- I never was asked. The one time
21 that I -- I was at the grave site, it was kind of a
22 special moment. I had looked for her for so long.

23 And so I started watching the evidence
24 technician and the difficulty that they were having
25 removing her out. And I had to walk away. And so I --

1 I wasn't involved in any of the excavation of it
2 because I had been removed from out of homicide for
3 very lengthy period of time, and a lot of things had
4 changed since then.

5 Q I just waiting for an answer to my question.
6 And I'll have to ask you again. Okay?

7 A No, I didn't offer any suggestions to how to
8 process the grave.

9 Q Okay. My question was had you been still
10 detective in charge of this active case, would you have
11 sought some trace evidence from the grave site?

12 A I don't have enough information on this grave
13 site because I didn't work this grave site. So to ask
14 me what my 1990s homicide experience was in a 2014
15 grave is really a little unfair to the -- the forensic
16 guys working that grave. I -- I don't know how to
17 answer your question. I'm not trying to be evasive.
18 I'm just not sure where you want -- what you want me to
19 answer on that.

20 Q Okay. Going, again, back to the search
21 again, when you searched all the way through the house,
22 you didn't find any -- any mud or any evidence of any
23 digging, correct?

24 A Correct.

25 Q And you didn't -- as a matter of fact, you

1 didn't even find a shovel, did you?

2 A Not that I -- not that I recall.

3 Q Getting back to Korbeck, you didn't search
4 his room, right?

5 A I don't recall. I think by the time we found
6 out where it was, I think it had already been cleaned.
7 But I don't know that for sure. So the answer to your
8 question is no.

9 Q Okay. And when you finally did find him, you
10 never -- you never did ask to search his trunk, did
11 you?

12 A I think when we did find him, it was in the
13 middle of the summer. So the answer to your question
14 is no.

15 Q Or his camper.

16 A No.

17 MR. FALLIS: No further questions.

18 THE COURT: All right. Redirect?

19 MR. MIZRAHI: No, Your Honor.

20 THE COURT: May this witness be excused?

21 MR. MIZRAHI: He's excused, subject to
22 recall, Your Honor.

23 THE COURT: You're subject to recall but
24 you're excused from the stand, sir.

25 MR. FALLIS: He was on my subpoena but

1 he's excused.

2 THE COURT: Okay. Then you are excused
3 and free to go, sir.

4 MR. MIZRAHI: We're keeping him for
5 possible --

6 THE COURT: Then you're still subject to
7 recall. I misunderstood. So the first thing
8 I said is the correct.

9 MR. MIZRAHI: Yes, sir.

10 (Witness excused.)

11 MR. MIZRAHI: Your Honor, the State
12 announces rest.

13 THE COURT: All right, ladies and
14 gentlemen. As you heard, the State has
15 announced rest in its case, which means we've
16 got to take care of a few things right now
17 outside of your presence before we can
18 continue on with the trial. So please follow
19 Miss James back to the jury room. We'll be
20 back with you fairly shortly.

21 (Jury excused.)

22 THE COURT: Let the record reflect the
23 jury has left the courtroom.

24 MR. FALLIS: At this time, I would ask
25 this Court to consider a motion for judgment

1 of acquittal. Well, first of all, I'm
2 renewing my -- my original motion to dismiss
3 the information completely and to preserve
4 that issue so we have that preserved.

5 However, Your Honor, I believe at this
6 point in time that my client is absolutely
7 entitled to a judgment of acquittal on the
8 charge of second-degree murder. If the whole
9 information isn't dismissed, then there's
10 probably good argument for manslaughter, but
11 there's absolutely no evidence that this jury
12 needs to consider on the charge of
13 second-degree murder.

14 As the Court well knows, the charge of
15 second-degree murder has to show act or acts,
16 which we were not informed upon in the
17 information, however, that evinced a depraved
18 mind. You heard two theories here, Judge.

19 You heard one. Depending if this Court
20 is going to accept the credibility of the two
21 snitches. You heard strangulation. That's
22 all you've really heard because Miss White
23 and also the -- I mean, the ME as well as
24 Miss Haney both told you they cannot say --
25 they cannot testify that this was a gunshot.

1 Okay?

2 So what you have before you is a
3 possibility of a strangulation. Your Honor,
4 a strangulation is not the kind of crime that
5 is contemplated on second-degree murder
6 unless it's so egregious that it shows spite,
7 evil intent. It is more than just, quote,
8 manslaughter or killing, of course, not as
9 high as a first-degree with premeditation but
10 the act, 'cause that's the only thing you
11 have in front of you, if you were to believe
12 the two informants, is a strangulation 'cause
13 that's the only thing that this jury can --
14 can determine right now because there's
15 absolutely no evidence of a gunshot that
16 either one of the State's experts -- unless
17 they're going to ask the jury to speculate on
18 something that they have no evidence of,
19 'cause that's what it would take to say it
20 was a gun used here, when they both -- own
21 witnesses -- as a matter of fact, in opening,
22 I believe Mr. Mizrahi -- and correct me if
23 I'm wrong -- even told them, I can't prove to
24 you beyond a reasonable doubt that she was
25 shot. I remember that in his opening

1 statement. I think I'm paraphrasing. I
2 don't think I'm paraphrasing. I think that
3 very well was his opening statement.

4 So, Your Honor, at this point, I think
5 that my client is absolutely entitled to a
6 judgment of acquittal as to the second-degree
7 murder.

8 Thank you.

9 THE COURT: All right. Taking the
10 evidence in the light most favorable to the
11 State, the standard at this point, I find the
12 State has introduced sufficient evidence of a
13 prima facie case to support the count of
14 second-degree murder. So I will deny the
15 motion for judgment of acquittal. As well
16 as, I will reaffirm my earlier ruling on the
17 motion to dismiss the information.

18 All right. Mr. Fallis, do you have some
19 defense witnesses?

20 MR. FALLIS: Your Honor, I'd like to go
21 outside and check my witnesses first, make
22 sure they're out here.

23 THE COURT: Okay. Well, then let's take
24 a short recess so that we can do that. And I
25 want to be ready to roll 3:20.

1 (Short recess.)

2 (Defendant present.)

3 THE COURT: Mr. Fallis, do you have your
4 witnesses ready?

5 MR. FALLIS: We are, Your Honor.

6 THE COURT: Who -- who are you going to
7 call?

8 MR. FALLIS: John McCallum.

9 THE COURT: John McCallum?

10 MR. FALLIS: McCallum.

11 THE COURT: McCallum. Anybody else?

12 MR. FALLIS: For right now, John
13 McCallum.

14 THE COURT: Well, tell me who they are
15 because I want to talk to Mr. Haim right now
16 about testifying.

17 MR. FALLIS: Oh.

18 THE COURT: So who are your witnesses?

19 MR. FALLIS: John McCallum, Finley
20 Williams and Carol Haim.

21 THE COURT: Carol Haim?

22 MR. FALLIS: Uh-huh.

23 THE COURT: Have you and Mr. Haim, the
24 defendant, made -- had time to talk about
25 whether or not he'll be a witness?

1 MR. FALLIS: We have but we haven't made
2 an ultimate decision yet, Judge. I was
3 waiting till I'm finished with my witnesses.

4 THE COURT: Okay. Well, then we'll have
5 my colloquy with him at that time.

6 Ready to bring in the jury?

7 MR. MIZRAHI: Yes, Your Honor.

8 THE COURT: Bring in the jury.

9 (Jury present.)

10 THE COURT: All right, folks. Welcome
11 back.

12 Where we left off, of course, you heard
13 the State had rested their case. The defense
14 now has a chance, if they wish, to present a
15 case. We'll hear from the defense now.

16 Mr. Fallis, you may call your first
17 witness, sir.

18 MR. FALLIS: Thank you. John McCallum,
19 Your Honor.

20 (Witness sworn by the clerk.)

21 JOHN MCCALLUM,
22 having been produced and first duly sworn as a witness
23 on behalf of the Defendant, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. FALLIS:

1 Q Good afternoon, sir.

2 A Good afternoon, Mr. Fallis.

3 Q Please introduce yourself to the jury.

4 A John McCallum.

5 Q And, Mr. McCallum, what do you do for a
6 living?

7 A I'm retired now. I served 21 years with the
8 Jacksonville Sheriff's Office and an additional 14 as
9 an investigator with the State Attorney's Office.

10 Q Okay. In 1993, what were you doing?

11 A I was a homicide detective with the
12 Jacksonville Sheriff's Office.

13 Q And at that time, were you assigned as one of
14 the detectives in the case of State v. Haim?

15 A Yes, sir. I was on the same team as
16 Detective Hinson.

17 Q Now, I want to bring your attention back to
18 January 8th of '93. Have you got a pretty good memory
19 of that?

20 A Yes, sir, I do.

21 Q Can you hear me okay?

22 A Oh, no. I can hear. I was waiting on you to
23 finish your sentence.

24 Q Sentence was do you have a good memory of
25 that?

1 A Yes, I do. That's the day that we escorted
2 Aaron Haim to the Child Protection Team.

3 Q Well, that's where we're going. Okay?

4 A Yes, sir.

5 Q All right. Now, you -- as you said, that was
6 the same day that you -- that's the day that you
7 actually went to the CPT and you took some keys from
8 Miss Pasciuto, correct?

9 A I went to the CPT and I took some keys back
10 to FDLE that belonged to Bonnie Haim's car.

11 Q Correct. And you got them from
12 Miss Pasciuto.

13 A I'm not certain if they came from her hand to
14 mine or who handed them to me in the lobby, but there
15 were I think Miss Pasciuto and the two Haims.

16 Q Well, sir, you remember giving a
17 deposition -- well, let me -- let's go further. We'll
18 go back -- okay? --

19 A Yes, sir.

20 Q -- to that same question again.

21 That day, you went to Miss Pasciuto's house,
22 did you not?

23 A Yes, sir.

24 Q And you remember where she lived?

25 A Yes, sir. I don't remember the numerical but

1 I believe she lived on Key Madeira.

2 Q Key Largo?

3 A Key Largo.

4 Q Okay. At the same time, you went to
5 Miss Haim' house, correct, which was, like, right
6 around the corner?

7 A The grandmother, Mrs. Haim?

8 Q Yes.

9 A Yes, sir.

10 Q Miss Carol Haim.

11 A Yes, sir.

12 Q Now, while you were at Miss Pasciuto's house,
13 another woman, Eveann Haim, showed up, correct?

14 A I believe so, yes, sir.

15 Q Okay. And I believe Aaron was -- happened to
16 be there, right?

17 A Say it again?

18 Q Aaron happened to be there at -- at
19 Miss Pasciuto's house.

20 A Yes, he did.

21 Q Okay. So you're at Miss Pasciuto's house,
22 and you said Key Largo, which you have a good memory
23 of. And then you go to Miss Haim's house and you speak
24 to her briefly, right?

25 A Yes, sir. Essentially, Detective Morgan

1 spoke to her. We were together.

2 Q You were together, though.

3 A Yes, sir.

4 Q All right. So you spoke to Miss Pasciuto
5 separately, and you spoke to Miss Carol Haim
6 separately, did you not?

7 A Yes, sir.

8 Q Okay. So there's no ambiguity between the
9 two women. They don't even look alike, do they?

10 A No, sir. I don't believe so.

11 Q And you're sure what you -- what you did.
12 Now, I asked you -- and as a matter of fact, you took
13 some keys from Miss Pasciuto. Then you just said that
14 you're not sure. Would it refresh your recollection,
15 sir, if you would have an opportunity to review
16 something you said under oath previously?

17 A Certainly. I -- I have reviewed that.
18 You're talking about my deposition?

19 Q Yes, sir.

20 A Yes, sir.

21 Q After having reviewed it, I'll ask you again
22 or tell you, in fact, you -- did you take the keys from
23 Mrs. Pasciuto?

24 A I don't believe so. I -- all three women
25 were in the very small lobby at the Child Protection

1 Team. We'd just come out of several hours of
2 interviewing, taking notes during Aaron Haim's
3 interview. The interview was a little overwhelming,
4 and I was asked to retrieve some keys to Bonnie Haim's
5 car. I think the message that I got was to retrieve
6 them from Mrs. Pasciuto. I went out in the lobby. I
7 got a set of keys or a key and took it to the Florida
8 Department of Law Enforcement.

9 Q All right, sir. Your statement that you got
10 the keys from Miss Pasciuto you had just seen maybe
11 15 minutes before was under oath, sir, correct?

12 A You have to ask me that again.

13 Q Yeah.

14 A I saw who 15 minutes before?

15 Q Before you went to -- to CPT, you went to
16 Miss Pasciuto's house. You even told us where she
17 lived. Okay? And now you're saying that you're not
18 sure that that's the same woman who you got those keys
19 from.

20 A No, sir.

21 Q You understand?

22 A Yes, sir. Certainly, Miss Pasciuto was at
23 the Child Protection Team. She and Mrs. -- the two
24 Haims --

25 Q Right.

1 A -- brought Aaron Haim to the Child Protection
2 Team, followed us down.

3 Q However, you told us on -- told me under oath
4 that you, in fact, took those keys from Miss Pasciuto,
5 who took them out of her purse. Are you saying that
6 you made a misstatement under oath?

7 A Perhaps I made a misstatement under oath.
8 I --

9 Q Okay.

10 A -- I have a problem with the term "took" the
11 keys. I was asked to get the keys from Mrs. Pasciuto.
12 We communicated about that and I was given the set of
13 keys. I could not tell you whether it was
14 Miss Pasciuto or one of the Haims at this point in
15 time.

16 Q Okay. But on July 12th, 2018, under oath,
17 you did tell me who it was.

18 A Yes, sir. And that was in reference to the
19 homicide report.

20 Q Okay. I asked you -- didn't I ask you
21 earlier, how was your memory? You said pretty good?

22 A Pretty good for that event, yes, sir, Child
23 Protection Team. I probably will never forget parts of
24 that interview.

25 Q Okay. We're not going go into the interview,

1 sir. Okay?

2 A Sir?

3 Q We're not going to go into the interview.

4 We're just asking you about the keys.

5 A I thought you asked me about my memory. I'm
6 not -- I don't mean to be argumentative, but I'm just
7 telling you, my memory is tied to that event.

8 Q Neither do I, sir, want to be argumentative.

9 A Yes, sir.

10 Q Just the facts. Just the facts. You
11 remember the old Dragnet show?

12 A Certainly.

13 Q Okay.

14 Well, approximately how long do you think
15 that -- since you mentioned that interview, how long it
16 lasted?

17 A I would estimate that -- well, the actual
18 time interviewing, where -- Brenda Medders, who was the
19 Child Protection Team interviewer, probably two hours
20 actually in contact with Aaron Haim. The total amount
21 of time was probably three, three and a half, four
22 hours.

23 Q Okay. One moment, please.

24 Didn't you tell Detective Hinson in 1993 that
25 you retrieved the keys from Miss Pasciuto? That's back

1 in '93 now.

2 A No. I got that. This whole thing is back in
3 '93, right?

4 Q Right, yeah.

5 A No, sir. I'm not certain that I told
6 Detective Hinson that. Again, I was asked to get keys
7 from Mrs. Pasciuto. And that was the request that I
8 got toward the end of the child interview by a pager we
9 had to use in those days. And that's what I did.

10 MR. FALLIS: Okay. No further
11 questions.

12 THE COURT: All right. Any cross?

13 MR. HEAVENER: Just briefly, Your Honor.

14 CROSS EXAMINATION

15 BY MR. HEAVENER:

16 Q Mr. McCallum, when you responded to the Child
17 Protection Team, what was your primary purpose in going
18 there?

19 A My primary purpose was to escort Aaron Haim
20 for the Child Protection Team interview.

21 Q And -- and were you also there to watch that
22 interview?

23 A Yes, sir. I watched the interview and took
24 notes contemporaneously from behind --

25 MR. FALLIS: Objection, Your Honor.

1 This is beyond the scope of direct, Judge,
2 and we'll have sidebar and --

3 THE COURT: Well, I'm going to overrule
4 at this point, but I'll listen carefully to
5 see where this goes.

6 BY MR. HEAVENER:

7 Q Your primary purpose was to -- to be there to
8 watch what happened at CPT with regard to Aaron Haim,
9 is that --

10 A Yes, sir. I was not in the room where the
11 interview took place. It's separated by a window.

12 Q With regard to the keys, I've handed you what
13 I believe is State's Exhibit 156. Could you look at
14 the envelope that I just placed in front of you? Is
15 that State's 156?

16 A Yes, sir.

17 Q Are those the keys that you retrieved?

18 A Yes, sir.

19 Q And the picture on the back of that key
20 chain, do you recognize who that is?

21 A That's Aaron Haim, just about as he appeared
22 on that day, on January the 8th.

23 Q All right. And the keys on the key chain,
24 does one key appear to be a car key?

25 A Yes, sir.

1 Q And what kind of key does the other key
2 appear to be?

3 A Maybe a door lock or something. That's a
4 Kwikset kind of lock -- key.

5 MR. HEAVENER: No further questions,
6 Your Honor.

7 THE COURT: Any redirect?

8 MR. FALLIS: No, Your Honor. He may be
9 excused.

10 THE COURT: All right. Thank you,
11 Mr. McCallum. You're excused.

12 THE WITNESS: Thank you, Your Honor.

13 THE COURT: Call your next witness.

14 MR. FALLIS: Finley Williams.

15 MR. MIZRAHI: Your Honor, detective
16 McCallum is subject to potential rebuttal
17 recall.

18 THE COURT: You're excused from the
19 courtroom but subject to recall, sir.

20 THE WITNESS: Okay, sir. Thank you.

21 THE COURT: Next witness is Finley
22 Williams.

23 (Witness sworn by the clerk.)

24 FINLEY WILLIAMS,

25 having been produced and first duly sworn as a witness

1 on behalf of the Defendant, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. FALLIS:

4 Q Good afternoon.

5 A Afternoon.

6 Q Sir, please state your name for the jury.

7 A Finley Williams.

8 Q And what is your occupation, sir?

9 A I'm a criminal defense attorney.

10 Q I'm sorry?

11 A Criminal defense attorney.

12 Q Today.

13 A Yes.

14 Q What was your prior occupation?

15 A I worked at the State Attorney's Office.

16 Q As a prosecutor, right?

17 A Yes, sir.

18 Q Is that correct?

19 A Yes, sir.

20 Q Okay. Now, were you the prosecutor in the
21 case that involved a [REDACTED]?

22 A Yes, sir.

23 Q And can you recall -- you had an opportunity
24 to look at the court records before you came in here
25 today, correct?

1 A Yes, sir.

2 Q And do you recall how long his case
3 languished in the court before it was resolved by a
4 plea?

5 A I believe he was arrested in 2012 and it
6 resolved in 2016.

7 Q Okay. Now, is that considered a pretty long
8 time to languish in the Court?

9 A It depends on the courtroom.

10 Q I'm sorry?

11 A It depends on the courtroom. But yes.

12 Q Okay. Well, cases don't usually take four to
13 five years, just regular cases, correct?

14 Now, the --

15 THE COURT: Let him answer the question.

16 BY MR. FALLIS:

17 Q They don't usually take four or five years --
18 okay? -- before the judge would set them for trial or
19 something like that, correct?

20 A Not typically, no, sir.

21 Q All right. Now, without saying what his
22 charge was -- okay? -- do you remember what penalty he
23 was -- he could have been exposed to?

24 A I believe punishable by life.

25 Q Okay. Now, eventually, after that -- well,

1 during that intermittent four- or five-year period, did
2 you see the court file of the case just kept getting
3 passed, passed, passed all this time, like, every few
4 weeks or every month? Is that what the record will
5 reflect?

6 A Yes, sir.

7 Q Okay. And do you know the reason for that?

8 A He was a cooperating inmate at the time.

9 Q Okay. So as a cooperating inmate, why would
10 it be necessary to keep passing his case?

11 A So that he could continue to work.

12 Q Okay. And what is supposed to happen at the
13 end of his, quote, work?

14 A Well, it depends on -- on the situation
15 itself.

16 Q Well, when it comes time to get -- does he
17 have to get sentenced?

18 A Eventually, yes, sir.

19 Q Okay. And that's usually -- is that usually
20 after he finishes, quote, work?

21 A Yes, sir, after -- after his cooperation is
22 completed.

23 Q Now, do you recall what his sentence was?
24 'Cause you were the prosecutor at the time.

25 A He pled to five years incarceration followed

1 by five years of probation.

2 Q Is that an unusual sentence for somebody who
3 is facing life?

4 A Well, every case is different so it depends.

5 Q Different in the respect of how much work
6 they did?

7 A No, sir. Not -- not every case punishable by
8 life gets life.

9 Q Not life. However, certainly double-digit
10 numbers -- correct? -- as an average.

11 A I don't know the averages but it depends.
12 Every case is individual.

13 Q Now, isn't it also -- the fact this case
14 keeps going on and on and the judge just keeps passing
15 it -- okay? -- with no work being done, does that also
16 require the help of the State Attorney to agree?

17 A To agree to pass the case?

18 Q Yeah.

19 A Yes, sir. We would agree to continue the
20 case.

21 Q Okay. So somebody could get the benefit of
22 their, quote, work, correct?

23 A Well, so that they could continue working so
24 they could eventually --

25 Q Right. And at the end, when it comes time

1 for sentencing, to get the benefit of their work.

2 Isn't that how it works?

3 A Well, they don't know what their benefit's
4 going to be but --

5 Q They know there's going to be a benefit,
6 though, do they not? But they don't know exactly what
7 it is is what you're saying.

8 A I would imagine they're hoping for a benefit,
9 but they don't know that there will be a benefit.

10 Q Sir, how long were you in the State
11 Attorney's Office?

12 A Almost six years.

13 Q Okay. And during those six years, how many
14 times have you had defendants come up there who have,
15 quote, worked and have got -- and the State Attorney
16 has made recommendations or in this case, I think it
17 was one of your superiors, correct, either Mr. Caliel
18 or -- who is the other one who would have been making
19 the -- directing you what to say -- have him sentenced
20 to?

21 A It would have either been Mr. Caliel or
22 possibly the person who was involved in his other
23 cases.

24 Q Okay. So you would not have given that
25 generous offer on your own of five and five, would you?

1 You needed permission to do that.

2 A It would have been with permission, yes, sir.

3 Q Okay. And you did get permission from a
4 higher authority, correct?

5 A Yes, sir.

6 Q Thank you?

7 THE COURT: Cross?

8 CROSS EXAMINATION

9 BY MR. MIZRAHI:

10 Q So just to clarify, Mr. Williams, you didn't
11 handle the case from 2012 to 2016, did you?

12 A No, sir.

13 Q You handled it for a brief time, I guess, at
14 the end?

15 A The last year or so, I think.

16 Q Okay. And I think you indicated pretty
17 clearly on direct, but I just want to make sure. Your
18 practice was never to promise any particular inmate a
19 particular sentence in order for him to work or to
20 provide testimony in cases, correct?

21 A That's correct.

22 Q Who decides the sentences in cases?

23 A I'm sorry?

24 Q Who ultimately decides what the sentence is
25 in any particular criminal case?

1 A The judge.

2 Q And the prosecutor and defense attorney can
3 recommend sentences to the judge, but ultimately, the
4 judge is the sentencer, correct?

5 A That's correct.

6 Q And so in this particular case,
7 [REDACTED] case, a judge, a circuit judge, had to
8 approve that disposition.

9 A That's correct.

10 Q And one of the things that was articulated --
11 it wasn't even articulated to this judge. It was
12 between the parties and that [REDACTED] had done work
13 in cases. And that was given -- he was given
14 consideration for that, so the five-plus-five offer was
15 agreed to. Is that fair?

16 A That's correct.

17 Q And at that time, in 2016, were you even
18 aware of [REDACTED] providing any assistance
19 whatsoever in the Michael Haim case?

20 A No, sir.

21 Q And did I, as the prosecutor on that case,
22 ever come to you and indicate that [REDACTED] was
23 cooperating in any way?

24 A No, sir.

25 Q So any benefit that he may have received was

1 based on other cases he was helping on.

2 A That's correct. I just knew that he was
3 cooperating in a few cases.

4 Q And [REDACTED] testified that he didn't
5 think he got the greatest deal in the world. And as a
6 criminal defense attorney, have you had the occasion to
7 come across clients that you know are getting a pretty
8 good deal, but them, themselves, don't think they're
9 getting a pretty good deal?

10 A That's correct. Nobody wants to go to
11 prison.

12 Q And so even if they go to prison for what a
13 trained defense attorney knows is a good deal, they may
14 not feel like they got the best deal in the world.

15 A That's fair.

16 MR. MIZRAHI: Your Honor, that's all the
17 questions I have.

18 MR. FALLIS: I just have short redirect.

19 REDIRECT EXAMINATION

20 BY MR. FALLIS:

21 Q On cross, Mr. Mizrahi asked you -- you said
22 you're not told, quote -- they're not promised anything
23 and there's a reason for that, isn't there?

24 A Yes, sir.

25 Q What is the reason?

1 A So that there's no appearance of impropriety.

2 Q Elaborate.

3 A Well, we wouldn't promise anything so that
4 there's no, you know, reason for them to think that
5 they're getting --

6 Q In other words, the jury can't hear --
7 okay? -- that they have -- that they've been promised
8 anything and know what they've been promised. Isn't
9 that the deal?

10 A I'm sorry. I don't follow.

11 Q It makes him more credible if they're not
12 told exactly because they've had to testify under oath
13 what they were promised, right?

14 A Well, not necessarily because they're not
15 promised anything.

16 Q No. If they were promised, they would have
17 to testify to what they were promised, correct?

18 A I would think so.

19 Q Right. So if you don't make any promises;
20 you have, like, a wink of the eye or whatever you're
21 going to do, then they can't being impeached and say,
22 hey, listen, you're only getting five years, which
23 would destroy their credibility on any case.

24 A Well, there's no wink-wink that they're going
25 to get a deal.

1 Q Well, the tacit understanding that they were
2 going to get --

3 MR. MIZRAHI: Your Honor, I object to
4 argumentative. This is direct. It's leading
5 witnesses.

6 BY MR. FALLIS:

7 Q Isn't there a tacit --

8 THE COURT: Overruled.

9 BY MR. FALLIS:

10 Q Is there a tacit understanding that they're
11 going to get some help?

12 A I -- I don't know if there's any tacit
13 understanding.

14 Q Okay. They just get it out of the -- they
15 just get it because the sky has opened up?

16 A Well, you -- you want people to come forward
17 with information so --

18 Q I'm sorry.

19 A You want, as a State Attorney, people to come
20 forward with information.

21 Q You want more information?

22 A You want people to come forward with
23 information.

24 Q Sure. So you want to encourage this kind of
25 thing as a State Attorney, right?

1 A Yes, sir.

2 MR. FALLIS: Okay. Thank you.

3 THE COURT: Any more for this witness?

4 MR. MIZRAHI: No, Your Honor.

5 THE COURT: All right. Is he excused?

6 Mr. Fallis, is this witness excused?

7 MR. FALLIS: I'm sorry. Yes, sir. I'm
8 sorry.

9 THE COURT: You're excused,
10 Mr. Williams. Thank you.

11 (Witness excused.)

12 THE COURT: Call your next witness.

13 MR. FALLIS: Your Honor, my next witness
14 is going to need the aid of that --

15 THE BAILIFF: I'm ready.

16 THE COURT: Tell us who she is.

17 MR. FALLIS: I'm sorry. Carol Haim,
18 please.

19 THE BAILIFF: Have you used these
20 before?

21 THE WITNESS: Never.

22 THE BAILIFF: So you just put them like
23 this, and there's a volume wheel right here.
24 They've got to be in view of that transmitter
25 right there, so if you turn this way, it's

1 not going to work. You've got to keep it
2 sort of that way.

3 THE WITNESS: Okay.

4 (Witness sworn by the clerk.)

5 CAROL LYNN HAIM,
6 having been produced and first duly sworn as a witness
7 on behalf of the Defendant, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. FALLIS:

10 Q Miss Haim, can you hear me? Too much?

11 A That's too much.

12 Can you go ahead and just see if I can hear
13 you?

14 Q Okay. Can you hear me without that
15 instrument?

16 A I can hear you pretty good. Let me just put
17 it a little bit...

18 Q How about now?

19 A No.

20 Q I'm sorry.

21 A Okay.

22 Q How about now?

23 A That's good.

24 Q Okay. Good.

25 Would you please introduce yourself to the

1 jury?

2 A Carol Lynn Haim.

3 Q Okay. And, Miss Haim, where do you live?

4 A In Seymour, Tennessee.

5 Q Okay. Where did you live in 1993?

6 A Jacksonville, Florida.

7 Q And who did you live with?

8 A My husband and my two girls.

9 Q And where was that?

10 A In Jacksonville.

11 Q Okay. What side of town? You don't have to

12 give us the address.

13 A North side.

14 Q Now, what is your relationship with Michael

15 Haim?

16 A He is my son.

17 Q Now, I'm going to ask you to go back to

18 January 6th of 19- -- January 6th, January 7th of 1993.

19 Okay? And that is the time that your daughter-in-law

20 disappeared.

21 A Correct.

22 Q Okay. Do you remember that time?

23 A I do.

24 Q Now, did you get a call in the middle of the

25 night?

1 A I did.

2 Q And who was that call from?

3 A My son.

4 Q And what did you do immediately after you got
5 that call?

6 A I went over to his house.

7 Q And when you got to his house, was -- are you
8 familiar with your daughter-in-law's car?

9 A No.

10 Q The Camry?

11 A It was not there.

12 Q No. Are you familiar with it?

13 A Familiar, yes.

14 Q Okay. When you got there, was the Camry
15 there in the driveway?

16 A No, it was not.

17 Q Okay. So what did you do? Did you go
18 proceed to go into the house?

19 A No. I first went by Bonnie's mother. They
20 live about two blocks away from where we live. And I
21 was going to try to see if her was there. But I
22 couldn't tell. It was so dark. So I went on to my
23 son's house.

24 Q Okay. When you went to your son's house,
25 what did your son do?

1 A I immediately gave him my car keys to my car
2 because I pulled up behind his Trans Am. And I told
3 him to take my car.

4 Q Okay. And did he take your car?

5 A Yes, he did.

6 Q Do you know where he went?

7 A He went back by Bonnie's mother's house and I
8 think around in the Highlands area to look for Bonnie.

9 Q What was the purpose of you going over there?

10 A He said that --

11 Q No, not talking about what he said. What was
12 the purpose of you going there? Was it to watch your
13 grandchild?

14 A To watch Aaron, yes.

15 Q Okay. And how long was Michael gone before
16 he came back?

17 A He was gone maybe between 30 to 45 minutes.

18 Q And what did you do after that?

19 A I checked on Aaron and he was asleep. So I
20 went and laid down on the couch.

21 Q Until what time?

22 A He got back approximately 4:00 o'clock in the
23 morning.

24 Q And did you leave right away?

25 A No. I stayed and we talked a while. And I

1 left around 6:30 in the morning.

2 Q Where did you go?

3 A I went back to my house.

4 Q And why is that?

5 A I have a special needs daughter with Down
6 syndrome. And she was in a work program at Pine
7 Castle, so she needed help in getting dressed. So that
8 was my purpose of going back.

9 And my husband took my youngest daughter and
10 her two friends to First Coast High School.

11 Q Okay. Now, did there come a time that you
12 had occasion to go to the Red Roof Inn that morning?

13 A Yes. After I got back from my son's house, I
14 called first after my daughter had left for her school
15 and to see if Bonnie had gotten back. And she hadn't.
16 So I told my son, I'll be back over there. And I got
17 there probably 7:30.

18 Q You got where?

19 A Back to Michael's house, around 7:30.

20 Q What did you do at 7:30?

21 A I checked on Aaron again and I just stayed
22 there until Aaron got up.

23 Q Okay. And then what?

24 A And I gave Aaron his breakfast that morning.
25 And right shortly after, he got a telephone call from a

1 police officer, saying that they had found Bonnie's
2 purse in a dumpster at the Red Roof Inn.

3 Q Okay. And then what happened?

4 A So he told them that he would be right on
5 over. So after Aaron finished his breakfast and I got
6 him dressed, I called my husband, who was at work, and
7 I told him that we would be by to pick him up to go to
8 the Red Roof Inn.

9 Q Did you go?

10 A Yes. I took -- I took Michael and went by
11 and got my husband, and I had Aaron in the car. So I
12 dropped them off at the Red Roof Inn. And then I took
13 Aaron to his day care.

14 Q Okay. Did you leave him there? Did you
15 leave him at day care?

16 A I left him at the day care.

17 Q When you got there -- then did you
18 immediately go to the Red Roof Inn?

19 A And then I went straight back to the Red Roof
20 Inn.

21 Q When you got there, who all was there?

22 A There was a couple of police officers writing
23 out a report. And Bonnie's purse was on the bed and
24 everything was strung out. And everybody was going
25 through her purse, looking through it, and I think I

1 even checked -- checked it out. She had -- what I
2 remember, it was her wallet, a checkbook, \$150 cash,
3 her license, and she had three bottles of prescription
4 pills and just a few cosmetics that women carry.

5 Q How long did you stay at the Red Roof Inn?

6 A I'm not real sure.

7 Q Okay. Did -- where did you go from the Red
8 Roof Inn? Did you eventually go back to your house, or
9 did you go to Michael's house?

10 A I -- we went back to Michael's house.

11 Q And who was all -- who was we?

12 A It was my husband, Michael and myself.

13 Q Okay. How about Bernie and Eveann Haim?

14 A I'm not sure where they went.

15 Q Okay. Was that the day that the media came
16 to Michael's house? Were you there?

17 A That -- after I picked up Aaron at 3:30 in
18 the afternoon, I took him back to my house, and I
19 waited on my daughter to get back from school. And
20 then I took my two girls over to my mother's house, and
21 then I took Aaron back to Dolphin Avenue.

22 Q Okay. During this period of time, without
23 telling us what Michael said, what was his demeanor
24 like?

25 A He was just upset, worried about his wife.

1 He -- he just seemed very concerned about her.

2 Q Okay. And I understand the media showed up,
3 is that right?

4 A Yes, they did, that afternoon.

5 Q Do you know who called them over?

6 A I heard. I'm not positive. Can I say who I
7 heard called?

8 Q Yes. Who -- who --

9 A Eveann, Eveann Haim.

10 Q Okay. Did she give an interview?

11 A She did.

12 Q Okay. Were you watching Aaron at the time?

13 A At one point, Aaron was sitting on his dad's
14 lap, and he was talking on the air. And then after
15 that, I took Aaron to the back bedroom and had him back
16 there.

17 Q Okay. What -- now, let's go to the following
18 day. The following day, did you have occasion to go to
19 CPT?

20 A That was on Friday and it was before noon.

21 Q I'm sorry?

22 A It was before noon on Friday. And Eveann
23 Haim -- we rode in her Jeep. It was Patty's --
24 Bonnie's mother, myself and Aaron and Eveann was
25 driving.

1 Q Okay. Did a Detective McCallum -- and was
2 she following Detective McCallum over there?

3 A I don't remember a detective.

4 Q When you got to the CPT, how long were y'all
5 there?

6 A Over six hours.

7 Q How do you know that?

8 A Because it was already dark when we left.

9 Q And you think you got there around noontime?
10 Is that what you said?

11 A Around noon or a little before noon, uh-huh.

12 MR. FALLIS: Okay. I have no further
13 questions.

14 THE COURT: Cross?

15 CROSS EXAMINATION

16 BY MR. MIZRAHI:

17 Q Miss Haim, the interview of Aaron at the
18 Child Protection Team -- oh, I'm sorry, ma'am. I
19 didn't know you were getting up.

20 A I'm sorry.

21 THE COURT: She's ready.

22 THE WITNESS: I'm sorry.

23 MR. MIZRAHI: That's okay.

24 BY MR. MIZRAHI:

25 Q Ma'am, the interview at the Child Protection

1 Team --

2 A Yes.

3 Q -- the six hours that you were there, that
4 was not the -- during that time was not totally
5 interviewing of Aaron. There were a lot of breaks,
6 correct?

7 A Well, we were -- okay.

8 Q There were a lot of breaks, correct?

9 A Let me get it right.

10 Q Yes, ma'am.

11 A Okay.

12 Q There were a lot of breaks, right, in that
13 six hours?

14 A A few.

15 Q In fact, you ended up feeding Aaron. You got
16 him some McDonald's?

17 A Eveann and I went to McDonald's to get him
18 food because it had been so long before the child had
19 eaten.

20 Q Sure. And did you watch any of the
21 interview?

22 A No.

23 Q That was done by Brenda Medders, correct?

24 A I think so.

25 Q Okay. Now, you testified that when you drove

1 over at -- what was it, about 3:00 a.m. at night?

2 A I got the call at 3:00 a.m. in the morning.

3 Q And you said you pulled into the -- the
4 driveway and parked behind the Trans Am, correct?

5 A That's correct.

6 Q And that would mean you would have parked
7 next to the work truck?

8 A It was.

9 Q Okay. And so you would have marked in
10 Bonnie's spot, where -- that was -- that's where the
11 Toyota would normally be?

12 A I'm not sure where she parked.

13 Q But you indicated that the -- your son, the
14 defendant, took your car to go search.

15 A That's correct.

16 Q Okay. Even though his car was right next to
17 your car.

18 A No. I pulled up behind his car.

19 Q Yes, ma'am. He had two cars, correct?

20 A He had a work truck.

21 Q Right. Well, I said car. You're correct.

22 Did he have a Trans Am car as well as a work
23 truck?

24 A Correct.

25 Q Okay. And he could have taken that, correct?

1 A Could have.

2 Q But he didn't. He took yours.

3 A I had my keys out and I said, take mine.

4 It's right behind your car.

5 Q Right. I understand that. So the answer is
6 yes, could have.

7 And you would have told him that you stopped
8 by or drove by the Pasciuto house, correct?

9 A Correct.

10 Q Yet he still went by there after you told him
11 you'd driven by there?

12 A No. I left my house and they live about two
13 blocks away from where I live. So it's, like, on the
14 way. So I drove by Patty's house, and I could not tell
15 if Bonnie car was there or not.

16 Q So you told him that.

17 A Yes, I did.

18 Q And he was gone about 45 minutes.

19 A Between 30 and 45.

20 Q Okay. So maybe even as low as 30 minutes.

21 A Could have been 30.

22 Q Okay. How far was this Dolphin Avenue
23 address from the airport? It's the same side of town,
24 correct?

25 A Same side.

1 Q Wouldn't you say it's about maybe a 10-,
2 15-minute drive, especially at that time of night, from
3 the Dolphin Avenue address to JIA?

4 A Well, I live approximately three miles from
5 Michael, so the airport would be a little further than
6 that.

7 Q Right. I'm just saying the amount of time it
8 would take to drive at 3:00 a.m. is probably about 10,
9 15 minutes?

10 A Maybe 15.

11 Q Okay. So he was gone enough time for him to
12 go to the airport and come back, correct?

13 A I guess. I'm not sure.

14 Q Okay. I mean, I understand you weren't with
15 him.

16 A Right.

17 Q Okay. Fair enough.

18 The key, it would be unusual -- and let me
19 ask it this way: You did -- what is your testimony
20 regarding whether or not you gave Bonnie's car key --

21 MR. FALLIS: Your Honor, it goes beyond
22 the scope of direct.

23 THE COURT: Sustained.

24 MR. MIZRAHI: I may revisit that, Your
25 Honor, but I'll go to a different subject

1 right now.

2 BY MR. MIZRAHI:

3 Q This was a very unusual incident at 3:00 a.m.
4 in the morning, correct?

5 A I wouldn't know.

6 Q What do you mean, you wouldn't know?

7 A I wouldn't know.

8 Q You wouldn't know if this was unusual or not?

9 A It could have been unusual. I don't know the
10 circumstances leading up to -- if I knew what was the
11 reason, I could answer it better.

12 Q Okay. Had you ever, at 3:00 a.m., received a
13 call from your son to come over to his house so he
14 could go searching for his wife?

15 A No.

16 Q Okay. That was the first time that ever
17 happened, right?

18 A First time.

19 Q And you said on direct examination that he
20 seemed very concerned for his wife, correct?

21 A Correct.

22 Q During the entire process, I'm sure, as his
23 mother, you were trying to help make him feel better,
24 correct?

25 A I was there to help with Aaron so he could go

1 look for his wife.

2 Q Sure. And I'm sure that you would mention,
3 I'm sure everything's okay; I'm sure Bonnie's fine,
4 correct?

5 A I felt that she would be back in the morning.

6 Q Okay. Then why did you go over at 3:00 a.m.
7 to let him go look for her?

8 A Because he needed to go see where she had
9 gone.

10 Q The telephone had been invented, correct?

11 A The telephone what?

12 Q The telephone had been invented, correct?

13 A Of course.

14 Q That's how you got notified, correct?

15 A Correct.

16 Q The defendant didn't drive over to your house
17 and look to see if you were home, correct?

18 A He did not.

19 Q He called.

20 A He called.

21 Q And he woke you up at 3:00 a.m.

22 A Correct.

23 Q Okay. When you -- when you got into your car
24 and drove over, do you remember what you were wearing?

25 A What I was wearing?

1 Q Yes, ma'am.

2 A No, I don't.

3 Q Did you put on shoes?

4 A Yes.

5 Q Why?

6 A 'Cause it was probably cold that evening.

7 Q Think you put on maybe a jacket since it was
8 3:00 a.m. in January?

9 A Probably a jacket, yes.

10 Q Okay. Now, you were not aware of any issues
11 that were going on between Bonnie and Michael leading
12 up to that phone call in the early morning of
13 January 7th, 1993, correct?

14 A I didn't know of anything going on.

15 Q And you said even as you sit here on cross
16 examination that you really can't say whether this was
17 unusual or not, correct?

18 A Well, from my standpoint, if someone gets in
19 an argument or discussion or gets upset, it's been
20 known for someone to leave the residence. I've heard
21 of such but I thought it was -- was unusual.

22 Q Okay. Unusual because you would agree that
23 Bonnie was a great mother, right?

24 A Of course.

25 Q And she loved Aaron.

1 A Loved Aaron.

2 Q And Bonnie worked every day, correct?

3 A She did.

4 Q She was a working mother.

5 A A working mother.

6 Q And so when her long day at work was over,
7 what did she have to do?

8 A Come home.

9 MR. FALLIS: Your Honor, I object.

10 This --

11 THE WITNESS: Cook supper.

12 MR. FALLIS: -- is far beyond. I've
13 given some leeway. Far beyond direct.

14 THE COURT: Overruled.

15 BY MR. MIZRAHI:

16 Q Go ahead, ma'am.

17 A Pardon?

18 Q What did she have to do when she got home?

19 A Cook supper, feed her family, do chores.

20 Q All the other responsibilities that a working
21 mother would have.

22 A Of course.

23 Q Including taking care of Aaron.

24 A Taking care of Aaron.

25 Q And you actually -- on the 7th, you had to

1 take on some of that responsibility, right?

2 A A short time, yes.

3 Q Right. 'Cause you actually had to go drive
4 Aaron to give him breakfast, wake him up, get him
5 dressed and take him to day care, right?

6 A Yes.

7 Q And Bonnie would have been doing that on
8 January 7th had she been alive, correct?

9 A I don't know what went on. How could I say
10 she wasn't alive?

11 Q Well, she wasn't there for her son, right?

12 A She wasn't there.

13 Q Okay. And she was a great mom.

14 A She was a great mom.

15 Q Okay. She never told you she was leaving.

16 A No.

17 MR. MIZRAHI: That's all the questions I
18 have, Your Honor.

19 THE COURT: Redirect?

20 MR. FALLIS: No, Your Honor. She may be
21 excused. She can remain in the courtroom.

22 THE COURT: Yes, ma'am. You're excused.
23 Thank you, Miss Haim.

24 (Witness excused.)

25 THE COURT: All right, folks. Let's

1 take a short break. Let me have you go back
2 to the jury room, give or take about 10 or
3 15 minutes. We'll bring you back out.

4 By the way, we are absolutely on track
5 to finish with the evidence today and come
6 back for closings tomorrow. I thought that
7 was the case this morning, and now I'm
8 convinced it is the case.

9 So enjoy your short break. We'll see
10 you in a few minutes.

11 (Jury excused.)

12 THE COURT: All right. Let the record
13 reflect the jury has left the courtroom.

14 Mr. Fallis, have you discussed with
15 Mr. Haim, whether --

16 MR. FALLIS: I have, Your Honor.

17 THE COURT: You have?

18 MR. FALLIS: We have, yes.

19 THE COURT: All right. Mr. McCallister,
20 if you would swear the defendant, please.

21 (Defendant sworn by the clerk.)

22 THE COURT: All right. Mr. Haim, the
23 Court has now received all the evidence in
24 the case both from the State and from the
25 defense. Do you understand that it is the

1 State's burden to prove the charges against
2 you beyond a reasonable doubt?

3 THE DEFENDANT: Yes.

4 THE COURT: And do you understand that
5 you do not have to prove or disprove anything
6 in this trial?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: As such, you have the
9 absolute right to testify in this case. You
10 have -- as such, you do not have to testify
11 in this case. You have the absolute right to
12 remain silent. Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Of course, you also have the
15 absolute right to testify, if you choose to
16 do so. Do you understand that as well?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: The decision to testify or
19 not testify is yours and yours alone to make.
20 Do you understand?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And you have the assistance
23 of two experienced lawyers, and you should
24 certainly consider their advice about whether
25 or not you should testify. But in the end,

1 only you can make that decision. Do you
2 understand?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: If you choose not to
5 testify, I will instruct the jury that in
6 every criminal proceeding, a defendant has
7 the absolute right to remain silent and that
8 they, that is, the jury, are not permitted to
9 draw any inference of guilt from your
10 exercising of your right to remain silent.

11 Additionally, I will tell them that the
12 fact that you did not take the witness stand
13 must not influence their verdict in any
14 manner whatsoever.

15 Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: If you do choose to testify,
18 you'll be treated like any other witness.
19 You'll be placed under oath and take the
20 witness stand to be examined first by your
21 lawyer, then cross examined by one of the
22 prosecutors.

23 Also, if you have any convictions for
24 felonies or crimes involving dishonesty, the
25 State will be permitted to impeach your

1 credibility.

2 Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: I don't believe there is any
5 criminal record, correct?

6 MR. MIZRAHI: Correct.

7 MS. WARREN: Correct, Your Honor.

8 THE COURT: Have you had enough time to
9 discuss this decision with Mr. Fallis and
10 Miss Warren?

11 THE DEFENDANT: Absolutely, yes.

12 THE COURT: Okay. Do you need any more
13 time to talk about it?

14 THE DEFENDANT: No, sir.

15 THE COURT: Have you made a decision
16 about whether you'll testify or not?

17 THE DEFENDANT: Yes, I have.

18 THE COURT: What is your decision?

19 THE DEFENDANT: I want to testify.

20 THE COURT: You will?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Has anybody promised you a
23 certain thing to get you to testify?

24 THE DEFENDANT: No, sir.

25 THE COURT: All right. Are you making

1 this decision freely and voluntarily?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Now, while we're talking
4 about testimony or witnesses, you heard that
5 the defense has called, as you just saw,
6 three witnesses -- Mr. McCallum, Mr. Williams
7 and your mom, Miss Haim. Do you wish them to
8 call any other witnesses other than you?

9 THE DEFENDANT: Possibly.

10 MS. WARREN: No.

11 THE COURT: Well --

12 THE DEFENDANT: That's opinion.

13 THE COURT: Well, I'm asking your
14 opinion.

15 THE DEFENDANT: I would like --

16 THE COURT: Do you want them to call any
17 other witnesses?

18 THE DEFENDANT: I would.

19 THE COURT: Who are they?

20 THE DEFENDANT: Miss Pasciuto.

21 THE COURT: Okay. Is she available?

22 MR. FALLIS: No, you don't.

23 Your Honor --

24 MS. WARREN: We need to take a little
25 recess, Your Honor.

1 THE COURT: Okay. Well, let's take a
2 short recess, and you guys can talk about
3 that because we need to get this cleared up.
4 Okay?

5 MS. WARREN: Thank you, Your Honor.

6 THE COURT: All right. We're in recess
7 till 4:20. Ten minutes.

8 (Short recess.)

9 (Defendant present.)

10 MR. FALLIS: Your Honor, may we have a
11 sidebar with the court reporter, please?

12 THE COURT: Okay.

13 (The following sidebar conference was had out
14 of the hearing of the jury:)

15 MR. FALLIS: As you heard, Your Honor --
16 and it took me by surprise because we had a
17 conversation about it.

18 THE COURT: Which part took you by
19 surprise?

20 MR. FALLIS: My client wanting to call
21 another witness.

22 THE COURT: Okay. We can deal with that
23 later. Let's get him on stand so we can --

24 MR. FALLIS: Something we need to talk
25 about first. We might need a pretrial ruling

1 so we don't have to go through all this. He
2 wants me to call for the purpose of talking
3 about the fact he went to her and discussed
4 his marital problems with her.

5 THE COURT: The mother-in-law.

6 MR. FALLIS: Yeah. State says they're
7 going to object to hearsay. Judge, my
8 understanding is if he was offering
9 exculpatory statements, that would be
10 hearsay, but I think he can testify as to his
11 conversations with his mother-in-law.

12 THE COURT: He can testify about his
13 conversations with his mother-in-law? Is
14 that the question?

15 MR. FALLIS: Yeah. They said they're
16 going to object, so I want to make sure --

17 MR. MIZRAHI: It is hearsay. I think if
18 you want to coach him in terms of did you
19 talk to her about a subject, he might be able
20 to get that.

21 MR. FALLIS: His marital problems.

22 MR. MIZRAHI: Anything the defendant
23 said outside of court is hearsay unless a
24 party opponent introduces it.

25 MR. FALLIS: I don't -- I don't agree

1 with that, Judge.

2 THE COURT: I'm sorry. I thought the
3 question was -- I thought the question was
4 whether or not he could call Miss Pasciuto --

5 MR. FALLIS: Right.

6 THE COURT: -- and elicit statements
7 from Miss Pasciuto that he talked about.

8 MR. FALLIS: Right.

9 THE COURT: That's hearsay. That's
10 easy. That's not an exception. That's --
11 unless he's offering it, the State. You
12 can't offer it through Miss Pasciuto.

13 MR. FALLIS: That he went over to speak
14 to her?

15 THE COURT: Correct.

16 MR. FALLIS: That's your ruling, Judge.

17 THE COURT: Well, that's easy. That's
18 an easy ruling. You cannot elicit statements
19 from Miss Pasciuto about what Mr. Haim told
20 her.

21 MR. FALLIS: Only if it's incriminating.

22 THE COURT: No.

23 MR. FALLIS: All of the defendant's --

24 THE COURT: Lott versus State is one
25 case from 1997. Lott versus State, I just

1 looked it up 'cause I thought this might come
2 up based on opening statements, that there
3 was -- Michael said this; Michael did that.
4 And I was wondering how you were going to
5 present that unless he testified. But
6 there's lot of case law on that. I'm not --
7 that's an easy ruling.

8 MR. FALLIS: Okay. Then we need to go
9 on the record and let my client know.

10 THE COURT: Well, is he still
11 testifying?

12 MR. FALLIS: Yeah. He's going to
13 testify.

14 THE COURT: Okay. And is there any
15 other witnesses he wants called?

16 MR. FALLIS: No.

17 THE COURT: Okay.

18 (At the conclusion of the sidebar conference,
19 the following further proceedings were had in the
20 presence of the jury:)

21 THE COURT: All right. We ready?

22 MR. FALLIS: Yes, Your Honor.

23 THE COURT: Stand back up.

24 MR. FALLIS: We need something on the
25 record. My client has asked that he be

1 allowed to call Miss Pasciuto to discuss --
2 have his discussions with her. Okay? And he
3 being the declarant and on the stand and have
4 her come up and talk about what she heard
5 from him. And he's subject to cross
6 examination, Judge, so I think -- I don't
7 think that it's prohibited by the hearsay
8 rule. But, of course, that's the Court's
9 decision, but he needs to know yet what your
10 ruling is so the record is clear.

11 THE COURT: The question is whether or
12 not you can call any witness but specifically
13 in this case, Miss Pasciuto, his former
14 mother-in-law to testify about statements
15 that he made to her.

16 MR. FALLIS: Correct, Judge.

17 THE COURT: That's hearsay.

18 MR. FALLIS: And that's -- and not
19 inculpatory statement -- I mean, they're not
20 exculpatory statements, but if that's the
21 Court's ruling, then --

22 THE COURT: Well, you're introducing
23 them for a reason to his benefit. But
24 regardless, it's hearsay. There's no
25 exception that I'm aware of that would allow

1 that.

2 MR. FALLIS: Hearsay usually is by --
3 statements by a declarant who, quote, is not
4 available. He's the declarant and so -- so
5 was she. And they're both subject to cross
6 examination. But if that's your ruling,
7 Judge --

8 THE COURT: That's my ruling.

9 MR. FALLIS: That's fine.

10 Okay. Your Honor, I would call my
11 client.

12 THE COURT: All right. Well, I have to
13 finish the dialogue with Mr. -- colloquy with
14 Mr. Haim.

15 So, Mr. Haim, you wanted your lawyers to
16 call Miss Pasciuto, correct?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And you've heard what I just
19 said about that.

20 Is there any other witnesses that you
21 wanted them to call that they have not
22 called?

23 THE DEFENDANT: No, sir.

24 THE COURT: Is there any evidence that
25 you wanted them to introduce that they

1 haven't introduced in this case?

2 THE DEFENDANT: No, sir.

3 THE COURT: So this part -- at this time
4 of the trial in the case, overall, are you
5 satisfied with the representation that both
6 Mr. Fallis and Miss Warren have given you in
7 this case?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Okay. All right. Thank
10 you, sir. You can return to your seat.

11 And are we ready for the jury?

12 MR. FALLIS: Yes, sir.

13 MR. MIZRAHI: Yes, sir.

14 THE COURT: Bring in the jury.

15 (Jury present.)

16 THE COURT: Welcome back, folks, and
17 take your seats. We're ready to continue on
18 with the trial.

19 Mr. Fallis, you may call your next
20 witness.

21 MR. FALLIS: Thank you, Your Honor. We
22 would call Michael Haim.

23 (Witness sworn by the clerk.)

24 MICHAEL RAY HAIM,

25 having been produced and first duly sworn as a witness

1 on behalf of the Defendant, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. FALLIS:

4 Q Mr. Haim, please introduce yourself to the
5 jury.

6 A Good afternoon, jury.

7 Q Sir, can you speak up?

8 A Good afternoon.

9 Q And introduce yourself, please.

10 A Michael Ray Haim.

11 Q Mr. Haim, how old are you?

12 A I'm 53.

13 Q Mr. Haim, were you formerly married -- are
14 you married?

15 A I am, yes.

16 Q And is this your first or second marriage?

17 A Second marriage.

18 Q And who was -- what was your first marriage?
19 Who was your first marriage?

20 A Bonnie Lynn Haim.

21 Q Okay. And when did you marry Miss Haim?

22 A September 12th, 19- --

23 Q Okay. Now --

24 A -- 87.

25 Q I'm sorry.

1 A September 12th, 1987.

2 Q Okay. And did you have any children
3 together?

4 A Yes.

5 Q Who was that?

6 A Aaron Haim.

7 Q All right. Now, going back to 1993, in
8 January of 1993, specifically January 6th, '93, do you
9 remember the events of that day?

10 A I do, yes.

11 Q Tell me what you remember.

12 A In the morning?

13 Q I'm sorry?

14 A On the morning?

15 Q Yes, in the morning.

16 A I got up and went to work. And --

17 Q Where were you working?

18 A Bernie's Tool & Fastener.

19 Q Okay. On that particular day, where did you
20 go?

21 A After I went to the main office on Highway
22 Avenue to get some materials -- we were setting up a
23 new store in Gainesville, so I went to Gainesville that
24 morning.

25 Q Okay. And then when did you return?

1 A I returned -- I think I got back around 5:00,
2 maybe 5:30 at the Jacksonville office.

3 Q Okay. And did you proceed directly home from
4 there?

5 A I did go home but I didn't go -- I mean, I
6 parked at home. But I went to check on my neighbor
7 across the street, I remember.

8 Q And who would that be?

9 A Mrs. Libble (phonetically) Sweat.

10 Q And is she an elderly woman?

11 A She -- yes, she was.

12 Q Was.

13 A Yes, she was.

14 Q And why -- what did you check on her about?

15 A Well, on that Monday, we went and attended
16 her husband's funeral in -- I believe it was
17 Hazlehurst, Georgia.

18 Q That Monday?

19 A That Monday.

20 Q That would have been -- if January 6th was a
21 Wednesday, then Monday would have been what, the 5th?

22 A I think the 4th.

23 Q 4th? I'm sorry. It's getting late.

24 And where was the funeral?

25 A Hazlehurst, Georgia.

1 Q Okay. And how did you get there?

2 A I went to work in the morning time. I
3 remember going to work. But I think sometime around --
4 'cause I go in to work at 7:00 in the morning or 6:30.
5 I believe at 8:00 or 9:00, Bernie, Eveann Haim and
6 Bonnie and I drove to the funeral.

7 Q And how did you get there?

8 A Bernie Haim's vehicle.

9 Q Okay. So you used Bernie Haim's vehicle?

10 A Yes, sir.

11 Q Now, you said you go to check on Miss Sweat.
12 I mean, do you run errands for her? What is it you do?

13 A Yeah. I would check on them a couple times a
14 week to get them, like, 2 percent milk or some kind of
15 lower fat milk and bread and just odds and ends like
16 that, just little items.

17 Q Now, getting back again to the 6th of
18 January, what time did you get home?

19 A I believe it was around 6:30, to the best of
20 my memory.

21 Q And when you got home, had -- had Bonnie been
22 home yet?

23 A No, she hadn't been. But we talked before
24 she went home, and I knew she wasn't going directly
25 home. So there was no big hurry for me to get home.

1 Q What did she tell you she was going to do?

2 A Well, she was going to pick up Aaron from his
3 day care, and she was going, I believe, to get some
4 clothes, dry cleaning or something to that effect and
5 go to Walmart.

6 Q Did she eventually come home?

7 A She did.

8 Q Was Aaron with her?

9 A Yes, he was.

10 Q Okay. Now, was she -- what was she driving?

11 A Her car, her Toyota.

12 Q And did you meet her at the driveway or the
13 door or anything else like that?

14 A Well, I seen her come home, and I went out
15 and helped, you know, get Aaron out of the car and
16 helped get packages, whatever she got, little items
17 that she bought.

18 Q Did you say packages?

19 A Yes.

20 Q How many packages did she have?

21 A I'll be honest. I don't how many. It wasn't
22 a carload but it was a few things from Walmart.

23 Q And where were those packages in the vehicle?

24 A They were scattered, maybe a few in the front
25 and a couple in the back.

1 Q All right. Did you actually get in -- go in
2 there and pull those packages out?

3 A I did.

4 Q Did you pull them out of the front as well as
5 the rear?

6 A That's correct.

7 Q Did you actually step into the car to do
8 that?

9 A I may have. I honestly don't remember if I
10 actually got inside the car but I could have.

11 Q Oh, by the way -- well, we'll get back to
12 that again.

13 All right. So you bring the packages in,
14 right?

15 A Yes, sir.

16 Q And do you eat? I mean, what happened as far
17 as dinner goes?

18 A Well, when I was in Gainesville, I had a very
19 late lunch down there so I didn't plan on eating.
20 Because I think I ate about maybe 2:30 or 3:00 that
21 afternoon. I was busy putting up stuff at the new
22 store.

23 Q Okay. And what did Aaron and Bonnie have?
24 I'm sure it's dinnertime.

25 A Aaron come home -- I guess they had went to

1 McDonald's, I'm assuming, because he had a Happy Meal
2 with him. He brought that in after we got him out of
3 the car.

4 Q How about Bonnie?

5 A She didn't have -- she heated something up, I
6 believe. She had a burrito. I don't know if she
7 heated it or how it was there, but I remember her
8 eating, like, a burrito.

9 Q And what time you say this would be, by the
10 time Aaron finished eating?

11 A Maybe between 8:00 and 8:15. I had been home
12 probably at least an hour, hour and a half.

13 Q And did you put Aaron to bed?

14 A I think he got a bath before he went to bed,
15 but he did eventually go to bed, yes, sir.

16 Q Okay. And after he was put to bed, did --
17 what did you and Bonnie do?

18 A We -- well, before -- before that, Bonnie --
19 I'm trying to think. I think she painted her
20 fingernails or something. That was weird. But, I
21 mean, I believe that's what happened that night.

22 Q You think she painted her fingernails?

23 A Yes, sir.

24 Q Okay. Did she do any sewing or anything? Do
25 you know?

1 A I believe she was working on a pad of some
2 sort for a crib of some sort.

3 Q You weren't expecting another child, were
4 you?

5 A No, no. I don't believe it was for -- it
6 wasn't for us. I think she was planning it for
7 something else.

8 Q Now, did Bonnie, in your presence, make a
9 phone call?

10 A Yes, she did.

11 Q And do you know who that phone call was to
12 and for what purpose?

13 A She called Bernie and Eveann's house that
14 evening.

15 Q Okay. And could you hear some of the
16 conversation?

17 A Yeah. It wasn't a long conversation but I
18 did, yes, sir.

19 Q Where are you in respect to where she was
20 when she was on the phone?

21 A I was in the living room, and she was at the
22 corner there where the Kitchen is. That's where the
23 phone was.

24 Q So it's fair to say you heard part of the
25 conversation, if not all the conversation?

1 A Yes, sir.

2 Q And, of course, you only heard her end,
3 right?

4 A Yes, sir.

5 Q What did you hear from her end?

6 A She said it was getting late, and she wasn't
7 going to, you know, drive out tonight.

8 Q Okay. And where did Bernie and Eveann live
9 at that time?

10 A In -- close to Green Cove. It was in Orange
11 Park, I believe. It was, you know, a pretty good way,
12 pretty good distance away.

13 Q And what hour was this that she made that
14 call?

15 A I believe it was around 8:30. Could have
16 been somewhere in that area.

17 Q When she made that call, did she seem upset?

18 A No. She wasn't upset.

19 Q So after that call, did you and Bonnie have
20 any conversation?

21 A We did.

22 Q What was that conversation about?

23 A Well, she had been unhappy for maybe a month,
24 maybe two. I can't put my finger on how long but -- it
25 had been going on, where she wasn't really her bubbly

1 self like she was at one time.

2 Q Okay. And had you-all discussed -- well,
3 tell me about that evening. What was the subject of
4 discussion that night?

5 A Well, I was -- basically, I was having to ask
6 because she didn't say anything. I was trying to find
7 out what was making her so unhappy; why wasn't she --
8 you know, I thought it was something at work or
9 something bothering her, and I was just trying to
10 figure out what it was.

11 Q Okay. Had you had this conversation with
12 anybody else besides Bonnie?

13 A Yes, I have.

14 Q With whom?

15 A Her mother, Patty Pasciuto.

16 Q And when would that have been?

17 A It was a couple but probably right after
18 Christmas of '92, I had that one conversation with
19 Miss Pasciuto.

20 Q Did you have a close relationship with
21 Miss Pasciuto?

22 A Yes, sir, I did.

23 Q And when you had the discussion with
24 Miss Pasciuto, what did you tell Miss Pasciuto?

25 A I basically just asked if she knew what was

1 bothering Bonnie and why she was unhappy. And I was
2 just trying to ask her what I could do to try to make
3 her happy.

4 Q Did you relay this conversation to Bonnie
5 that night, that you, in fact, had this conversation
6 with Miss Pasciuto?

7 A Yes, I did.

8 Q What was her reaction?

9 A Well, I don't think she was happy. I mean,
10 she didn't -- I don't think she appreciated me calling
11 and getting her mother involved in our relationship.

12 Q Was she angry? Was she upset and angry about
13 it?

14 A She wasn't happy.

15 Q Okay. Well, I don't know what that means. I
16 know what upset means.

17 A Well, Bonnie was the type of person that if
18 she didn't want to talk or if she didn't want to talk
19 about a subject, she just kind of went in and just kind
20 of didn't hear me, I guess.

21 Q Okay. And about what time is this, that
22 you're having this conversation?

23 A Probably -- I think Aaron went to bed about
24 10:00, so this was probably around 10:30 that night.

25 Q Did she do anything while you were having

1 this conversation?

2 A I remember her -- she painted her fingernails
3 that night. I do remember that. And I remember her
4 working on some kind of little baby -- I don't know if
5 it was a blanket or what actually it was, on a sewing
6 machine.

7 Q Did there come a time where she just got up
8 and left?

9 A She didn't just get up and leave but she did
10 leave the house.

11 Q Well, tell me how it happened, that she left.

12 A Well, after we talked and it wasn't really
13 going anywhere at all, she went back to the bedroom. I
14 was continuing -- 'cause we were watching TV. You
15 know, the TV was still on. And I remember her coming
16 by and leaving and didn't say anything when she left.

17 Q Did you see what she was wearing?

18 A I believe she was wearing jeans and a
19 sweater.

20 Q Okay. And did she say anything before she
21 left?

22 A No.

23 Q Did she slam the door?

24 A I heard the door shut. I wouldn't call it a
25 slam but the door shut. And I knew she went outside,

1 and then I heard the car crank up. And I didn't know
2 where she was going.

3 Q Where did you think she was going?

4 A I didn't know. I thought she might have went
5 do her mom's house to ask her about our conversation.

6 Q Well, did she take anything with her as far
7 as clothing or anything like that?

8 A I don't remember her taking, like, clothing
9 or anything.

10 Q No suitcase or anything like that?

11 A No.

12 Q Now, prior to this evening, did you have
13 other conversations with her about your marital
14 problems?

15 A With Bonnie?

16 Q Yeah.

17 A A few, yeah, just about trying to find out
18 what was making her unhappy. I mean, it wasn't...

19 Q All right. So she leaves. And did there
20 come a time when you make a phone call?

21 A Yes.

22 Q Who did you call?

23 A I called my mother to come over.

24 Q What did you tell your mother?

25 A I said, can you come over? I want to go see

1 if Bonnie is at her mother's house.

2 Q Couldn't your mother have just gone there
3 herself?

4 A I asked her. I said, can you check on your
5 way and see? But they only live in walking distance,
6 like, maybe two blocks. We met in the same
7 neighborhood so they live very close.

8 Q Did you want your mother to come to your
9 house, though?

10 A Yes, I did.

11 Q Why?

12 A Because I wanted to go and look for myself
13 and see if I knew where her car was.

14 Q Okay. So did your mother come?

15 A Yes.

16 Q About what time did she get to your house?

17 A I'm not exactly sure what time I called her,
18 but I think she got there around 3:15, 3:30. I'm not
19 100 percent positive of the time.

20 Q And when she got there, what did you do?

21 A She handed me her keys. And I went and got
22 in the car, and I went straight over to Miss Pasciuto's
23 house.

24 Q And did you see her car there?

25 A No, I didn't see. I pulled where I could

1 see. It is a dark area and I pulled where I could
2 actually see. I think, like, fairly -- not just one.
3 It's a couple driveway. So I pulled the car in and
4 looked and the Toyota wasn't there.

5 Q Okay. So you had better vantage when you
6 went to the house than your mother had?

7 A I actually pulled in the driveway.

8 Q Oh, you did.

9 A Yes, sir.

10 Q All right. Did you come right home after
11 that?

12 A No.

13 Q Did you go somewhere else?

14 A I drove up Dunn Avenue from -- around 295 and
15 Dunn up towards the other end of Dunn Avenue, and, I
16 mean, there was nothing hardly, nobody -- not many
17 vehicles on the road at that time of day -- or night.
18 And then I come straight back to the house.

19 Q Did you plan on going to see where her
20 girlfriend lived?

21 A Excuse me?

22 Q Where her girlfriend lives, Sandy?

23 A Well, I would have went by to see Sandy
24 because she used to live right across from my mom and
25 dad's house, catty-corner. But she had moved

1 between -- I don't know if it was a month or two
2 before. So I didn't know exactly where Sandy lived as
3 far as her address.

4 Q So you came back home, right?

5 A Yes, sir.

6 Q And what did you do when you came back home?
7 Did you talk to your mom?

8 A Sit on the couch on, talked to my mom. I
9 mean, I was pretty upset. You know, it's not something
10 that happens every day.

11 Q Okay. You had a conversation with your mom
12 about that?

13 A Excuse me?

14 Q You had a conversation with your mom about
15 that?

16 A Yes, sir.

17 Q Did you tell her how upset you were?

18 A Yeah. I was -- I was very upset because I
19 had -- I didn't know really what to do. I mean, I
20 didn't know what to do.

21 Q Did your mom stay for a while?

22 A Yes. She stayed till -- I don't remember the
23 exact time -- maybe 7:00. I don't really recall
24 exactly the time.

25 Q Did there come a time when you had to leave

1 the house again that day?

2 A Yes.

3 Q Well, before that, did you actually -- had
4 you been up all night?

5 A Yes.

6 Q Did you make a call to work that morning?

7 A I did.

8 Q And what time did you do that?

9 A I called -- our office opens at 7:00 in the
10 morning. And I called at 7:00 'cause I knew someone
11 would answer at 7:00 o'clock, and I talked to my,
12 basically, assistant Mike Robson and told him I
13 wouldn't be coming in today.

14 Q And you saw Mr. Robson in court today -- I
15 mean, yesterday, did you not?

16 A I did. It's hard to recognize but it has
17 been a long time since I've seen him.

18 Q And did you tell him -- what did you tell
19 him?

20 A I basically said I wouldn't be coming in
21 today.

22 Q Did you tell him you had been up all night?

23 A I don't know if we had a conversation about
24 that.

25 Q Well, did you tell him that you weren't well?

1 A Well, the day before, you know, a few days
2 before, I'd been having some sinus issues and drainage,
3 so I wasn't up to my normal self as far as feeling.
4 But that -- that didn't come up in our conversation.

5 Q But you didn't tell him that Bonnie had left
6 and she hadn't been home.

7 A No. Mike was -- Mike was just a worker. I
8 was a part owner of the company. So he -- I would not
9 have to tell him if I didn't work the whole week. It
10 wouldn't be any of his business.

11 Q Well, did you want to share your personal
12 business with him?

13 A Absolutely not.

14 Q Okay. Did you later get a call from Bernie?

15 A I believe after 8:00 o'clock sometime, I did
16 get a call from Bernie.

17 Q What was that conversation about?

18 A I believe he was looking for Bonnie.

19 Q Okay. And did you, in fact, tell him that
20 Bonnie wasn't there?

21 A I did, yes, sir.

22 Q What did you tell him?

23 A I told him that she wasn't home.

24 Q Did you tell him that you knew where she went
25 or didn't know where she went?

1 A He asked me where she was, and I said I
2 didn't have any idea. She left last night. And I was
3 going to call him when it was her time because she
4 doesn't go in until around 9:00 -- 8:30 or 9:00. And
5 it wasn't -- it wasn't that time of day yet.

6 Q Did you tell him that you and she were having
7 a conversation and she was upset?

8 A I did. I told him we had a discussion that
9 night, and I guess she was upset, I guess, that she
10 left.

11 Q Now, did you get a call again that morning?

12 A I did.

13 Q And do you recall who it was that called you?

14 A I'm not sure if it was a police officer or
15 someone at the Red Roof Inn, but I did get a call from
16 the Red Roof Inn that they had found a purse in the
17 dumpster.

18 Q Do you know where the Red Roof Inn was?

19 A I had no idea where the Red Roof Inn was.

20 Q Did you have to ask directions?

21 A Yes. I did ask where it was, and they gave
22 me exactly where it was.

23 Q Okay. That was not too far from your house,
24 was it?

25 A The Red Roof Inn, probably 20 minutes, I

1 would say.

2 Q Okay. You've never stayed there, have you?

3 A No. I didn't know where it was. I've been
4 to the Holiday Inn, which was pretty close, but I'd
5 never been at the Red Roof Inn.

6 Q And what occasion did you go to the Holiday
7 Inn for?

8 A Well, the Holiday Inn would have, like,
9 buffets and stuff on weekends and we had a couple
10 parties. I think Bernie's Tool had a party there at
11 that hotel before. So it was a big hotel. And I was
12 very familiar. I lived on the north side my whole life
13 so I knew where that was.

14 Q Well, tell me, when you got to the Holiday
15 Inn what the scene was like.

16 A All I remember is going into a room with
17 either the manager or an officer, and, you know, they
18 just had the -- the purse on a bed.

19 Q Okay. And the contents of the purse as well?

20 A Yes, the contents as well.

21 Q The people rummaging through it, going
22 through it, looking at things?

23 A No. I mean, people was -- was -- I mean, I
24 don't know what they did before I got there, but, you
25 know, we looked at it. We were looking through it but

1 I wouldn't say a lot of people. But the people that
2 were there.

3 Q And then after Red Roof Inn, how long do you
4 think you stayed there?

5 A Maybe 30 minutes probably. Could have been a
6 little longer. I don't really know.

7 Q From family, who was with you?

8 A My father.

9 Q And how about Bernie?

10 A Bernie and Eveann didn't come until right
11 after, so I don't know if it was five minutes. They
12 got there pretty quick.

13 Q All right. But they were there as well.

14 A Yes.

15 Q How long do you think you stayed at the Red
16 Roof Inn?

17 A Excuse me?

18 Q How long you think you stayed at the Red Roof
19 Inn?

20 A The whole time, maybe 30 or 45. Could have
21 been longer. I think it was about that time.

22 Q And where did you go from there?

23 A We went back to my house on Dolphin Avenue.

24 Q We, meaning?

25 A My father and I and, I believe, a detective

1 or the police. I don't know -- I didn't -- I don't
2 remember if it was a detective or the police. I'm not
3 sure.

4 Q And about what time would that have been?

5 A I couldn't tell you an exact time but
6 maybe --

7 Q Approximately.

8 A -- between 10:00 and 11:00 maybe.

9 Q Okay. And you said police officers were
10 there as well?

11 A Yes.

12 Q Do you remember how many?

13 A Not really. Maybe two.

14 Q Now, that would be the morning of the 7th,
15 correct?

16 A That's correct.

17 Q And did the -- that day, did, in fact, the
18 press show at your house, the press?

19 A I don't think it was in the day. I think it
20 was dark. So it was definitely dark. So it might have
21 been 6:00 or 8:00. I don't know what time it got dark.

22 Q Do you know who arranged that?

23 A Yes, Eveann Haim.

24 Q And how did you feel about that?

25 A I had no problem with that at all. I loved

1 my wife and I wanted to find out what happened.

2 Q And did you, in fact, give an interview as
3 well?

4 A I did.

5 Q Now, that evening, did you stay home; do you
6 recall or -- well, where did Aaron go that evening?

7 A I believe we went to my mother and father's
8 house.

9 Q Okay. Did he stay with you guys --

10 A Yes.

11 Q -- at your mother and father's house?

12 A Yes, he did.

13 Q Okay. The very next morning, did you get a
14 phone call from the police?

15 A I don't know if it was a phone call. I think
16 they were -- I think they were there. But I'm not sure
17 if they called first.

18 Q Well, you said you stayed at your parent's
19 house that night?

20 A That is correct.

21 Q Okay. And then you decided -- then in the
22 morning, is that when you got a call from the police?

23 A Yeah. I can't remember if they called or
24 they just come by. I don't really remember there
25 being -- what call is going to be there.

1 Q Did they tell you what the purpose was?

2 A Yes.

3 Q What was that?

4 A They wanted to take Aaron to talk to someone.

5 Q Okay. Did they also tell you they wanted to
6 search your home?

7 A Yes, they did.

8 Q What did they say?

9 A They said, we would like you to give us
10 consent to go into your house.

11 And I said, no problem.

12 Q Did you realize that you didn't have to?

13 A Yeah. I realized I didn't have to, but I
14 wanted to try to help as much as I could.

15 Q Okay. So you had no problem with them
16 searching your house.

17 A I had no problem.

18 Q Okay. Do you recall how many police officers
19 came there?

20 A Maybe two or three. It's been a long time
21 but a couple. It was more than one.

22 Q Okay. Well, did there come a time when you
23 left, and there were more officers that arrived?

24 A At my mother's or my house?

25 Q No, at your house.

1 A Oh.

2 Q We're at your house now.

3 A Okay. I'm sorry. Yes. There come a time
4 when there was a lot of officers at the house.

5 Q Okay. And did you leave the house?

6 A I did. I was there for a while but I did
7 leave, yes, sir.

8 Q And who did you leave with?

9 A I left with a detective. I think his name
10 was Morgan but I may be wrong.

11 Q And where did you go with him?

12 A He took me to the bank to check records and
13 see if there's transactions or something.

14 Q And during that period of time, is that when
15 they were conducting a search of your house, or did
16 they wait for you to come back?

17 A Oh, no. They didn't wait. They did -- I
18 didn't have a problem. They did whatever they were
19 doing.

20 Q Did you actually watch them search?

21 A I did.

22 Q Tell me what you saw them do.

23 A I remember them having black plastic over the
24 windows and spraying stuff. And I'd never seen
25 anything like that, so I really didn't know exactly

1 what they were doing.

2 Q All right. How long were they there?

3 A Maybe three hours possibly. I don't know
4 the -- the rate. I wasn't there the whole time. But I
5 know we were gone for maybe an hour to an hour and a
6 half.

7 Q And exactly where were you while they were
8 searching the house? Were you inside, outside? I
9 mean --

10 A Both. I was inside and outside.

11 Q Okay. Did you actually see them spray any
12 chemical?

13 A I don't know what was in the bottles, but
14 they were spraying something after they put that
15 plastic in the house. You know, it was dark.

16 Q And did you see them retrieve anything while
17 you were there?

18 A Yes.

19 Q What did they take?

20 A I believe they gave a list. It was, like,
21 some towels and a gun and --

22 Q What kind of gun did they take?

23 A They took my handgun. I had a .38 Smith &
24 Wesson.

25 Q You had other guns there as well, didn't you?

1 A Not handguns but I did have long guns, yes,
2 sir.

3 Q Okay. Long guns meaning what?

4 A I had a little .410 shotgun, .22 rifle. I
5 think I had a 12-gauge pump shotgun and a 12-gauge
6 single shotgun.

7 Q And did they take some pictures there as
8 well?

9 A Yes, they were.

10 Q And do you recall -- you've had the
11 opportunity to look at some of these pictures, correct?

12 A Yes, I have.

13 Q Now, you said that they took some items from
14 your house, right?

15 A Yes, sir.

16 Q One moment.

17 Let me show you -- would you look at your
18 screen? You can tap it.

19 Can you see that?

20 A Yes, sir, I can see that.

21 Q Okay. Now, that, what you're looking at
22 right there, is Defense Exhibit 50. Okay? What --
23 what is that?

24 A That's -- that's where we kept the dirty
25 clothes in the master bedroom closet.

1 Q Is that, like, a hamper?

2 A It's a clothes basket.

3 Q Okay. You know what a hamper is?

4 A Yeah. But that's not a hamper.

5 Q Well, was it used as a hamper?

6 A Yes.

7 Q All right. And that's where -- you said it's

8 in the master bedroom closet?

9 A That is correct.

10 Q And that's where you throw your stuff that

11 needs to go to the laundry room?

12 A Yes, sir.

13 Q Is that some of the stuff that you'd seen

14 them take out of there that day, those towels?

15 A Yeah. I don't know exactly which towels, but

16 they took, I think, about six or eight. I don't know

17 they took quite a bit of towels.

18 Q Okay. Oh, by the way, do you know if any of

19 those towels were damp?

20 A Were they what?

21 Q Were they damp, any of these towels?

22 A Damp?

23 Q Yeah. Had somebody just used them or --

24 A In that basket, I couldn't -- I don't -- I

25 don't think they were wet but I don't know exactly.

1 Q Okay. I'm going to show you two more
2 pictures. Okay?

3 MR. MIZRAHI: It will be State's 14.

4 BY MR. FALLIS:

5 Q You're looking at State's 14. Okay?

6 A Yes, sir.

7 Q Tell me if you recognize that.

8 A That's in our pantry/washing machine room.

9 Q This -- this is actually in the washroom?

10 A Yes.

11 Q These -- and do you know what they are? Can
12 you recognize what they are?

13 A They look like -- one -- one of the items
14 look looks like a woven rug.

15 Q Okay?

16 A Maybe a crocheted rug. I'm not --

17 Q Do you recognize that rug?

18 A I couldn't really tell you exactly today
19 but --

20 Q Do you recall that rug ever being in the
21 kitchen, on the kitchen floor?

22 A It may have been in the kitchen floor.

23 Q How about the next exhibit?

24 A Yes. That's in the master bath/hall, I
25 guess.

1 Q All right. Now, is, that door, is that the
2 entrance to the master bath?

3 A Well, yeah, the little --

4 Q Or was that in the master bath?

5 A Well, the -- the bifold door, if you close
6 it, on the other side of that would have been the
7 master closet, and then where the door to the right is
8 there, which is right -- right there, that's the
9 bathroom door that leads to our shower and bathroom off
10 the master bath.

11 Q So if these towels are used for showering,
12 would you just drop them there on the floor?

13 A Me?

14 Q Or anybody.

15 A Yeah. I mean, I usually don't throw my
16 towels on the floor but they're in the floor.

17 Q Okay. Do you recall if any of these items,
18 either one of them, had a strong odor of bleach or even
19 a smell of bleach?

20 A No.

21 Q All right. So the police are searching your
22 home. Okay? That's on the 7th, correct?

23 A I believe so.

24 Q No, the 8th, when Aaron was at the CPT.

25 A I believe it was the 8th. I don't think it

1 was the 7th.

2 Q Now, when Bernie -- when Bernie. When Aaron
3 was finished at CPT, where did he go? Did he go to
4 your mom's or Miss Pasciuto's? Do you know?

5 A I believe he went to Liz's house.

6 Q Okay. All right. Let's just fast-forward
7 now. All right? Back in March, I think March 17th of
8 '93, did police arrive again at your home and serve you
9 with a search warrant?

10 A Wasn't my home but it was at my mother and
11 father's home.

12 Q Oh, you were at your mother and father's
13 house?

14 A Yes, sir.

15 Q Did they notify anyone they wanted to search
16 the house again?

17 A They showed up that -- in the morning because
18 I remember I was sleeping. And they woke -- woke us up
19 and said they wanted -- well, they said she had a
20 search warrant. They wanted -- they were just telling
21 me.

22 And I said, well, let me get my clothes on,
23 and I'll go over there with you.

24 They said, we don't need you to go over there
25 with us. They said, we've got a key.

1 Well, okay. How does it fit my house?

2 Well, it doesn't fit the house. We'll knock
3 the door down.

4 I said, okay, whatever you've got to do.
5 That's fine.

6 Q And you previously had given a consent,
7 right?

8 A That's correct.

9 Q You didn't do that.

10 All right. So they go back and search your
11 house again?

12 A Yes, they did.

13 Q Were you there at this time when they
14 searched it?

15 A No. They wouldn't allow me in this time.

16 Q Wouldn't allow you in?

17 A No.

18 Q You stayed where?

19 A Outside.

20 Q Outside your house?

21 A Uh-huh.

22 Q Okay. When they were finished, did you see
23 whether they took any other things with them?

24 A I believe they collected all my long guns at
25 that time, which I thought was strange.

1 Q Any other things?

2 A I don't recall anything else besides the
3 guns.

4 Q All right. And after that, did you go back
5 home and stay home?

6 A We were at home but I -- I probably just
7 locked back up and went back to my parents'.

8 Q Well, this is -- during that period of time,
9 are you staying mostly at your parents' or mostly at
10 your home?

11 A I didn't stay back on Dolphin very often. I
12 stayed with my grandparents that were older at the
13 time. And I had a friend that lived between my mom's
14 and my house, and I stayed mainly with my mom and dad.

15 Q Why is that? Why didn't you stay home?

16 A I just wanted to be around family.

17 Q Were you upset?

18 A I was very upset.

19 Q During that period of time, did you have
20 occasion to go on search parties, looking for Bonnie?

21 A I did.

22 Q Who did you go to those parties with, search
23 parties?

24 A My father and I believe Bob Pasciuto and a
25 few times with an investigator. But I don't remember

1 the investigator's name.

2 Q And did you distribute fliers as well?

3 A Yes.

4 Q Did you ever stop looking for Bonnie?

5 A No. I -- I didn't really know what to do but
6 we never really continued -- we continued to search. I
7 was -- you know, the whole time I lived in Jacksonville
8 before I moved away, I was -- we'd look wherever we
9 thought we looked, and I was very close to, you know,
10 Bonnie's mom and dad.

11 Q Now, did there -- you've heard testimony that
12 you -- that you didn't do any searching. Okay?

13 However, you said that you -- were you ever invited to
14 search with the other people from Bernie and Eveann?

15 A No. After the first couple days, I never
16 spoke to them again.

17 Q Tell us why.

18 A Why?

19 Q Yeah.

20 A I'll tell you why.

21 Q Sure.

22 A 'Cause they accused me from about the first
23 day at the Red Roof Inn that I killed my wife.

24 Q Okay.

25 A My co-owners that we own the business

1 together and family member of my father's.

2 Q How did that make you feel?

3 A I was hurt but, I mean, I thought it was very
4 strange.

5 Q Okay. So you are saying they were not
6 supportive?

7 A I wouldn't call that supportive, no.

8 Q Now, did -- well, shortly after that time,
9 did Bernie -- did you have to sue Bernie for your
10 interest in the business?

11 A Yes, I did.

12 Q And did you get a judgment in your favor?

13 A I believe I finally did. It took a long time
14 but I finally did get 15 percent that I paid taxes for
15 the whole time we opened the business up, which I paid
16 taxes on probably a half million dollars of the
17 business. And I finally -- they said I got 15 percent
18 on paper or something but I never got monetary money.

19 Q Okay. Well, let's -- I just want to know
20 whether or not you were in litigation with Bernie at
21 that time. So there might have been some hard
22 feelings. So that would be part of it as well?

23 A Yeah.

24 Q All right. Sitting here during the trial,
25 you heard various people say various things about you.

1 Okay? You said you moved to Tennessee, is that right?

2 A I first moved to Maggie Value, North
3 Carolina, and then I moved to Tennessee. That's
4 correct.

5 Q Is that where your parents live, Tennessee?

6 A That is correct. They live in the suburb of
7 Seymour, which is out of Knoxville.

8 Q Now, there came a time in 2014 where you
9 actually were arrested, correct?

10 A I don't think it was in '14. I believe it
11 was in '15.

12 Q December? Okay.

13 A No. It wasn't. I think it was, like, in
14 August.

15 Q Oh, August of '15. I'm sorry. That's
16 correct.

17 Oh, by the way, while you were living there,
18 in December 14th, did you get the word that Bonnie's
19 remains had been found?

20 A Yes.

21 Q So you knew about it on the 14th?

22 A Someone called and said they found -- I'm not
23 sure exactly what it said, something under the pool,
24 digging under the pool or something to that effect.

25 Q Under the pool?

1 A That's what -- yes.

2 Q And did -- what was your reaction?

3 A I didn't know what they were talking about.

4 I mean, the pool and everything was there when I bought
5 the home so I didn't really know.

6 Q Now, did there come a time in August of '15
7 that you were actually arrested in this case?

8 A I was, first time in my whole life, yes.

9 Q And did you have to spend a little bit of
10 time at the Duval County Jail?

11 A I spent a little time in the Waynesville Jail
12 first and then the Duval County Jail.

13 Q You were transferred down, correct?

14 A That is correct.

15 Q All right. So you were in the Duval County
16 Jail for a little while until you got released,
17 correct?

18 A That is correct.

19 Q And during that time you were in the Duval
20 County Jail, did you meet those two gentlemen that came
21 to meet us in Court?

22 A I don't know who the first gentleman was.
23 I'd never seen him in my life.

24 Q The fellow that said he met you in the
25 dispensary there, did you even know him?

1 A No. I don't even know what he was talking
2 about, dispensary or whatever he called it. I had to
3 go get blood pressure checked every week, my blood
4 pressure, for some reason, which --

5 Q He said that y'all were in a holding cell
6 together. Tell me how that works when you go to the
7 dispensary when you're in jail.

8 A When I went down every week at 3:00 in the
9 morning, they woke me up to check my vitals of my blood
10 pressure. So I'm not sure about -- you just was in a
11 little line of about six to ten people every week. I
12 went down there at the same about time. I knew when
13 they were going to open the door and say, go down to
14 there.

15 And I kept telling him I didn't need it.
16 There was nothing wrong with me to check my blood
17 pressure at 3:00 in the morning every week. But they
18 did it and I just went down there.

19 But there was, like, three or four chairs and
20 a couple ladies. And you sit down there and they put
21 something on your finger. And they check your pulse, I
22 guess, and blood pressure, and they send you back up
23 where you come from.

24 Q Okay. So you didn't have any occasion that
25 you recall to even talk to this first guy, this

1 [REDACTED]

2 A I don't even know who that guy is.

3 Q How about [REDACTED]? Do you remember him?

4 A Who?

5 Q [REDACTED]

6 A Yes. I definitely know the other fellow, the
7 second fellow.

8 Q Did you have a conversation with him?

9 A Oh, yes.

10 Q He's a pretty sociable guy?

11 A Very nice guy, I thought, but yeah.

12 Q Well, you thought. I mean, did you actually
13 know that this guy was one of the -- was a snitch?

14 A Well, I told you the first time I met you
15 that he told me he was a snitch.

16 Q He actually -- he actually told you he was a
17 snitch, right?

18 A Oh, yeah. Everyone in that cell block knew
19 he -- he was a snitch. But I didn't have a concern
20 with that. I didn't know what to tell him.

21 Q Okay. But the conversation you had about
22 him, you did talk about family, told him you were
23 married, right?

24 A Yeah. I told him about my life, you know, as
25 far as I had animals and vehicles. He said he was a

1 mechanic, and we talked about my truck I've had and
2 different vehicles. And, I mean, we had small talk
3 like that. We didn't have any talk about this case,
4 not what he -- that story he told.

5 Q Well, he got a few things wrong -- didn't
6 he? -- as far as whether the -- I mean, what he said,
7 when I said he got it wrong, that stuff had appeared in
8 the newspaper that later on, we found out after doing
9 our discovery were mentioned, right?

10 A He let me read the paper. He had a paper in
11 the jailhouse. I mean, not everybody would get a
12 paper, but this guy was, like -- I guess he's been
13 there so long he was, like, part of the --

14 Q Staff?

15 A Yeah. Basically, yeah. He ran that cell
16 block.

17 Q Okay.

18 A Special -- special duty. I mean, he got
19 appeals from the other side of the jail somehow for
20 commissary and took sleeping meds from other inmates.
21 He was a character.

22 Q Okay. So you heard what he said. Was there
23 any truth at all to what he testified to?

24 A Absolutely not.

25 Q Now, you also heard from some other

1 witnesses -- okay? -- that spoke about -- well,
2 basically what they said was that you were nonchalant
3 about Bonnie's disappearance.

4 A I think I was quiet. I don't know that the
5 word nonchalant would be what I would call how I was.
6 I would call it maybe shocked when it all first
7 happened and really didn't -- really didn't understand.

8 Q Okay. Are you a person that likes to keep
9 things internally to yourself?

10 A Yes.

11 Q Sometimes is that misinterpreted by people?

12 A Yeah. I mean, I'll talk if I know the person
13 or, you know, people, but I don't particularly tell
14 people problems.

15 MR. FALLIS: Let me have one moment,
16 Judge.

17 THE COURT: Yes, sir.

18 MR. FALLIS: (Conferring with
19 co-counsel.)

20 BY MR. FALLIS:

21 Q Do you remember that shower area we were
22 talking about?

23 A Yes, sir.

24 Q Okay. And back in '93, do you recall what
25 that area looked like?

1 A I do.

2 MR. MIZRAHI: Which one would you like
3 first, the upper photograph or --

4 MR. FALLIS: This one. Thank you.

5 Okay.

6 BY MR. FALLIS:

7 Q You see your screen over here? Now, it would
8 be Defense 44 but I'm not sure what it is --

9 MR. MIZRAHI: State's 23.

10 BY MR. FALLIS:

11 Q State's 23, do you recognize that?

12 A Yes, I do.

13 Q Is that what that (inaudible)?

14 (Brief interruption by the reporter.)

15 BY MR. FALLIS:

16 Q Is that what the backyard looked like back
17 then, in 1993?

18 A Yes, sir.

19 Q Now, describe what's in that picture over
20 there by the water fountain, if you would. You can
21 actually point to it with your finger.

22 A Well, there's some pool jugs right here in
23 yellow.

24 Q What did you call them?

25 A Pool chlorine jugs.

1 Q Okay. And what are they used for?

2 A You add that in the pool to keep the chlorine
3 up so it doesn't grow algae.

4 Q And did you usually keep them over there?

5 A Yes, sir.

6 Q Now, I know you had a shed back there. Did
7 you keep them in the shed?

8 A I never kept chemicals in the shed, not --
9 no, sir.

10 Q Why?

11 A I don't think that's where you keep chlorine,
12 in the shed. It's chemicals.

13 Q And?

14 A I kept them outside.

15 Q Well, because of the toxicity of them?

16 A I just never -- I never heard of you putting
17 pool jugs in a shed.

18 Q Okay. And what about that thing that's right
19 under the water cooler? It looks like a tire. What is
20 that?

21 A I'm not 100 percent sure what. It's short
22 but I'm not sure it's a tire. I don't think I had a
23 tire in the backyard.

24 Q No. I think we had a discussion before. I
25 think you said that's something you change your oil?

1 Is that --

2 A It might have been an oil jug possibly. I
3 don't recall if that's what that is or not.

4 Q Was that something you used when you changed
5 the oil in your truck or your car?

6 A Yes.

7 Q Okay. Now, I see some other things on top of
8 there. Now, that to me looks like a -- the thing they
9 were earlier talking about, the wooden pallet. Okay?
10 Now, there's been a lot of discussion. We had
11 everything from two by three, three by four. Do you
12 have any idea what the size of that is?

13 A I know it was big enough to stand on. But it
14 wasn't a pallet. The pallet conversation has been
15 wrong this whole time. It's not a pallet. It's a --
16 if you ever went to someone's house and they build a
17 deck and you walk up the deck, it's a deck.

18 Q So it's deck boarding.

19 A Yeah, permanent deck boarding.

20 Q Those deck boards are -- look like they're
21 fastened together.

22 A I believe they're nailed or screwed. I'm not
23 sure. I can't tell. The picture is not very clear.

24 Q Well, that's the only picture that we have.
25 That's why I'm asking you to look real closely, if you

1 would.

2 Now, this is January. Is this how the
3 backyard would have looked in January?

4 A It -- yeah. It doesn't look in great cutting
5 order, but, yeah, that's what it looked like.

6 Q Okay. Now, you were living at the house at
7 this time, right?

8 A Yes. And I cut the yard but apparently -- I
9 mean, we were pretty busy. We worked a whole lot so
10 apparently I neglected the yard a little.

11 Q Now, do you see this grass growing around and
12 up through that -- what we've been calling up to this
13 time a pallet?

14 A Yes. And on the edge it's growed [sic] up
15 quite high.

16 Q Had you ever tried to remove that pallet and
17 lift it?

18 A No. I never -- I never moved it. It was a
19 fixed structure. I mean, you probably could have with
20 a machine, but by hand, I'm not sure you could have
21 lifted that up.

22 Q And that's been there for how long?

23 A From the day or from that picture?

24 Q Well, how long had it been there?

25 A I think it was built when the pool was put

1 in. I'm assuming in the '80s.

2 Q '87? Is that what we heard?

3 A I lived there in '87. The pool was there
4 well before I moved in the house.

5 Q Okay. So that's that same pallet, not a new
6 one. You never changed it, did you?

7 A Deck.

8 Q Deck. I'm sorry. I think we all know what
9 it is now right. All right?

10 So that would have been pretty well embedded.
11 I mean, when you were standing on it, it never shifted,
12 did it?

13 A No.

14 Q So it was fairly secure.

15 A Right.

16 Q And you say you always kept the bottles on
17 there for the pool. Now, that -- is that all year
18 round you would keep the bottles on there?

19 A Yeah. I mean, it was wintertime so I
20 couldn't say it was there every day of the year. But I
21 did move them to go get chlorine, and that was
22 typically where I kept them.

23 Q Is that the chlorine that you'd go to Pic 'N'
24 Save to pick up?

25 A No. It's a lot stronger. I think pool

1 chlorine is like Clorox. But it's -- that's -- those
2 jugs are two-and-a-half-gallon jugs. You go to, like,
3 Pinch A Penny nowadays to get something like that.

4 Q Now, you heard testimony about bricks on
5 there and that sort of thing. Did you ever see it with
6 bricks on it?

7 A I never seen it. When I rented the house, it
8 didn't have bricks on it.

9 Q Talking about rentals. All right?

10 A Yes, sir.

11 Q You heard one woman, the one who used to see
12 ghosts and blood. What's her name again?

13 A I think Casey. I don't know anything about
14 ghosts.

15 Q Okay.

16 A But I heard her say something about candles
17 and stuff.

18 Q Okay. She said that you had some strict
19 restrictions, that you couldn't -- they couldn't dig
20 anywhere around the house. Did you have any
21 restrictions about that?

22 A Absolutely not, on any of the renters. And I
23 had a few renters rent the house besides that lady.

24 Q Okay. Well, you did have restrictions, did
25 you not, about the carpet?

1 A I had -- I had --

2 Q In Aaron's room, right?

3 A I mean, I can tell you. If I see that form,
4 I can tell you what they all had. They all had the
5 same exact restrictions, as you're calling it. I mean
6 it's, the stuff that was in our lease that I didn't
7 want to not have in there and have to complain about it
8 later on when it was going to be an issue.

9 Q Well --

10 A So I put it in the standard -- it's in the
11 original master lease as well.

12 Q It says keep the dogs in the master bedroom
13 when you're not home. Explain that to me. What --
14 what is that about?

15 A Well, in 1992, we replaced the den, which is
16 the front door area when you come into the home. The
17 kitchen, in the middle of '92, it had -- the ceramic
18 floor was new, brand new. And the living room, hallway
19 was all white pristine-type carpet.

20 Q Okay.

21 A Especially, you know, '92, it was new.
22 The -- not the master bedroom but the -- I'm going to
23 call it the weight room bedroom, where the sewing
24 machine and a little bed was in there, it had a blue
25 color, but it was brand new, replaced too. Not

1 100 percent sure with Aaron's room 'cause it was the
2 smallest room in the house that he had the bunk beds
3 that I made for him. But that room was not -- the
4 house was so big for what I was renting it for, I
5 didn't let them use that room.

6 I only told them to keep the dog in the back
7 if they had to leave it in the house, which they didn't
8 have to leave it in the house. They could leave it
9 anywhere as long as it wasn't in the front part of the
10 house. They could have left it in the backyard if
11 that's where they preferred to leave it if they needed
12 to. I didn't live there so I couldn't control what
13 they did.

14 But the reason it was in there that they had
15 to use the master bedroom carpet, 'cause that carpet
16 was probably from the 80s as well. It was very old.
17 You can see the pictures with the towels.

18 Q What was the fear?

19 A If they peed or did something on the carpet,
20 it really didn't matter. It was going to have to be
21 replaced eventually anyhow but -- you know.

22 Q You didn't want the dogs going on the good
23 carpets.

24 A All the new carpet was white. It's kind of
25 hard to take stains off white.

1 Q So that was the only restriction, except keep
2 the house up?

3 A Yes.

4 Q Mr. Haim, you've been sitting here for almost
5 the last four days.

6 A Yes, sir.

7 Q And you've been hearing a lot of people, law
8 enforcement and whole bunch of people pointing their
9 finger at you, I believe calling you a murderer.

10 A Yes, sir.

11 Q Basically, everybody wants to know, did you,
12 in fact, harm your wife?

13 A Absolutely not. I loved my wife and I would
14 never hurt my wife.

15 MR. FALLIS: Thank you.

16 THE COURT: All right. Cross?

17 CROSS EXAMINATION

18 BY MR. MIZRAHI:

19 Q Mr. Haim, where did you and Bonnie Haim get
20 married?

21 A We got married at the church off of Dunn
22 Avenue where she attended. I think it was the Mormon
23 church. I'm not sure the exact name of the church.

24 Q And who married you?

25 A I think it was the bishop.

1 Q Did the bishop say during the course of your
2 vows, till death do you part?

3 A Yes.

4 Q Since day one of your wife's disappearance,
5 you were the prime suspect, correct?

6 A I guess.

7 Q You don't guess. You know, correct?

8 A I know they accused me.

9 Q Right, from day one.

10 A I don't know about day one but they
11 definitely accused me.

12 Q Okay. I mean, just intuitively, you know, if
13 your wife disappears in weird circumstances, they're
14 going to look at the husband, right?

15 A I mean, it's the first time for me that I was
16 a position like that, yes.

17 Q Well, okay. But certainly, if you didn't
18 know day one, by January 8th, you knew that you were
19 the prime suspect, correct?

20 A No, not really. No, sir.

21 Q You were aware that Aaron identified you as
22 hurting Bonnie, correct?

23 A I knew that wasn't true.

24 Q Well, okay. Whether you knew it was true or
25 not, you knew what he said, right?

1 A No.

2 Q People didn't tell you that?

3 A No.

4 Q When's the first time you heard that Aaron
5 was accusing you of hurting his mother?

6 A I don't know the first time. But, you know,
7 I would believe it if I seen the videotape that he said
8 it.

9 Q Oh, okay.

10 But regardless, they searched your house on
11 the 8th, correct?

12 A Yes.

13 Q And eventually, Aaron didn't live with you
14 anymore, correct?

15 A Well, he did live with me again, but he
16 didn't live with me around that time. Yes, that is
17 correct.

18 Q And then in March 17, when they served the
19 search warrant on your house, you knew that you were a
20 suspect, right?

21 A Yes.

22 Q Okay. So, well, certainly, if you didn't
23 know on day one, you knew pretty quickly thereafter
24 that you were the prime suspect, correct?

25 A I knew in March, yes, sir.

1 Q Okay. And Aaron wasn't with you anymore.

2 A No.

3 Q And shortly thereafter, you started to
4 realize that you were actually being followed by
5 detectives, correct?

6 A I didn't know who was following. I knew I
7 was being followed, but I didn't know it was the
8 detectives.

9 Q And they would, you know, bump into you at a
10 restaurant or Walmart and driving by. And you actually
11 one time got out and confronted them, right?

12 A I never bumped into them in a grocery store
13 that I can recall.

14 Q Okay. You would bump into them at places,
15 right?

16 A One time is the only time I remember, if
17 you're calling it bumping into. But it wasn't like --
18 it just happened to have happened.

19 Q Sure. But you knew you were being followed,
20 correct?

21 A Yes.

22 Q And you actually confronted them about it,
23 correct?

24 A I didn't confront them.

25 Q You didn't get out of your car and say, why

1 did you-all keep harassing me? That never happened?

2 A No. I didn't he was harassing me. I asked
3 him why he was following Aaron and my mother and father
4 is why. I didn't know who he was.

5 Q So you did have a confrontation with someone
6 you thought was following. Turned out to be law
7 enforcement, right?

8 A Yeah. He said -- he said he was with Florida
9 Department of Law Enforcement.

10 Q The detectives actually told you during the
11 course of this investigation that they would never,
12 ever stop investigating this case, isn't that true?

13 A And that's what I expected them to do.

14 Q And that's what you wanted them to do, right?

15 A That is correct.

16 Q And when you were arrested in 2015, you knew
17 that it was going to be about this, correct, when they
18 asked you, what do you think from Jacksonville would
19 cause you to be arrested?

20 A They said, is there anything in Jacksonville
21 that could -- that you can think of as why we're here?
22 And I said the only thing, my wife went missing. That
23 was it.

24 Q Okay. So is it fair to say that after
25 Aaron's no longer with you, they're following you; your

1 house is being searched? You've testified on direct
2 examination that this was stressful. Is that fair,
3 that this was a stressful time for you?

4 A Yeah. It was -- it was definitely stressful,
5 yes.

6 Q And this weighed on your mind, correct?

7 A Yeah. I didn't forget about it, yes, sir.

8 Q As far as you knew, your wife Bonnie was
9 missing, correct?

10 A That is correct.

11 Q Isn't it true that you started telling people
12 that she ran off with another man?

13 A I didn't know where she went.

14 Q So you never told that to Cynthia Mitchell,
15 that she ran off with another man?

16 A I could have said I heard she ran off with
17 someone else but I had no facts.

18 Q Okay. Right. Well, I understand that. But
19 you would -- she asked you, where is your wife, in
20 2014? You said, I think she ran off with another man,
21 or I heard she ran off with another man.

22 A That isn't what she asked me.

23 Q Okay. Then what did she ask you?

24 A She said what, do you think happened to your
25 wife?

1 Q And what was your answer?

2 A I said, what I've heard is he met someone,
3 and she could have ran off with the person. I don't
4 know.

5 Q When you told that to Cynthia Mitchell, you
6 had already collected a life insurance policy as the
7 beneficiary of Bonnie Haim's life insurance, correct?

8 A I'm not sure when the conversation come up.

9 Q Oh, it was well after you cashed in that
10 policy, wasn't it?

11 A I don't think so. I mean, I think I talked
12 to them when they moved in. I didn't have any
13 conversations with them. I didn't live in town any
14 longer.

15 Q Okay. Well, you did cash in the life
16 insurance policy for Bonnie, right?

17 A Yes.

18 Q And you did that believing she was dead,
19 right?

20 A Someone declared her dead. I don't know who
21 did that.

22 Q And you cashed in on that, didn't you?

23 A Yes.

24 Q So you still own that house on Dolphin
25 Avenue, right?

1 A Yes.

2 Q And you owned it in the entire year of 1993,
3 correct?

4 A Yes.

5 Q The entire year of 1994, correct?

6 A Yes.

7 Q '95, correct?

8 A Yes.

9 Q '96?

10 A Yes.

11 Q '97?

12 A Yes.

13 Q '98?

14 A Yes.

15 Q '99?

16 A Yes.

17 Q Years. When did you sell -- when did you not
18 have the house anymore, custody of the house?

19 A It was after 2000, I believe.

20 Q Sure. And so all those years that you had
21 the house, you didn't notice any ground disturbance in
22 the backyard, did you?

23 A In the area of the deck?

24 Q Correct.

25 A No.

1 Q Okay. You didn't find her, right?

2 A No.

3 Q And you were in that house every day, right?

4 Or a lot. I won't say every day?

5 A I didn't live in the house for the first
6 year, probably more than -- I don't know -- a dozen
7 times that I spent time.

8 Q Sure. But it was your house and you would
9 obviously take care of the pool and things like that.

10 A Yes.

11 Q Okay. 'Cause you'd have to go change the
12 chemicals and things like that.

13 A Float tablets. The liquid chlorine's only
14 there to shock the pool. It's not daily use.

15 Q So even after 1996, when FDLE received that
16 letter and said, the body's in the backyard, hurry,
17 that was still your house, right?

18 A Yes.

19 Q And even after 1996, you never noticed ground
20 disturbance around that shower area, correct?

21 A That's correct.

22 Q You would agree that if Bonnie was found,
23 that would help proof your innocence, correct?

24 A Yes.

25 Q And that would help you get your son back,

1 correct?

2 MR. FALLIS: Objection, Your Honor.

3 THE COURT: Grounds?

4 MR. FALLIS: Sidebar, please?

5 THE COURT: What's the objection first?

6 State your legal grounds.

7 MR. FALLIS: Your Honor, we had a

8 pretrial hearing on the issue.

9 THE COURT: Come to sidebar.

10 (The following sidebar conference was had out
11 of the hearing of the jury:)

12 THE COURT: What's your legal grounds?

13 MR. FALLIS: The grounds is we had a
14 pretrial hearing, and you made a ruling there
15 wasn't any mention about the civil
16 proceeding, the dependency proceeding. He
17 just said, you would get your child back,
18 which means that his child was taken. You
19 understand where I'm going with that, Judge?

20 MR. MIZRAHI: I'll clarify, Your Honor.
21 That wasn't my intent.

22 THE COURT: Actually, I don't remember
23 making that ruling.

24 MR. FALLIS: Yes, you did.

25 THE COURT: I thought it was the

1 understanding of the parties that we were
2 never going to go into this lawsuit.
3 Clearly, you're not supposed to.

4 MR. FALLIS: Well --

5 MR. MIZRAHI: It's been clear from the
6 testimony that he's been adopted.

7 THE COURT: Right.

8 MR. MIZRAHI: So there was no intent to
9 try to talk about the DCF matter or anything
10 like that. He's obviously been adopted. I
11 can clarify and say to reestablish your
12 relationship with the son.

13 MR. FALLIS: That would be fine.

14 THE COURT: Okay. Very well.

15 (At the conclusion of the sidebar conference,
16 the following further proceedings were had in the
17 presence of the jury:)

18 THE COURT: All right. Mr. Mizrahi, you
19 may continue.

20 MR. MIZRAHI: Thank you, Your Honor.

21 BY MR. MIZRAHI:

22 Q And finding the body not only would help
23 prove your innocence but would help you reestablish
24 your relationship with Aaron, correct?

25 A I wanted to see my son. I didn't think of it

1 the way you're talking.

2 Q Okay. So your story -- your story is that
3 you and your wife had a discussion about your marriage,
4 correct?

5 A That is correct.

6 Q And that discussion was not favorable,
7 correct?

8 A I wouldn't call it unfavorable. I think when
9 I mentioned about talking to her mother that it struck
10 a nerve maybe with her.

11 Q Mr. Haim, isn't it true that she told you she
12 was leaving you and taking her son with her?

13 A That night?

14 Q Yeah, that night?

15 A I don't recall her saying she's taking her
16 son that night at 11:00 o'clock, no.

17 Q Is it -- isn't that exactly what you told
18 Frank Japour, Sergeant Japour, the older one of the
19 sergeants -- I guess they're all sort of older. But
20 the small one that said that he had a long conversation
21 with you on the 8th, and you specifically told him she
22 told you that you could have the house, and she was
23 going to take Aaron and leave, correct?

24 A If she moved out, that is correct. But not
25 that night.

1 Q So you had that discussion before?

2 A Well, I mean, she wasn't moving out that
3 night. I thought that's kind of what you're saying.

4 Q No, no. She was not moving out that night,
5 correct?

6 A Right.

7 Q Because Aaron wasn't going with her, right?

8 A Well, Aaron was asleep.

9 Q Exactly. She didn't have her bags packed or
10 anything like that, right?

11 A Right.

12 Q But there was a discussion that night,
13 minutes before she suddenly disappears from the face of
14 the earth, between you and her, where she looks at you
15 and says, I am leaving you and taking our son and
16 moving out, correct?

17 A No.

18 Q So what Mr. Japour said is not true.

19 A I don't know how he got what he said but I
20 told him --

21 MR. FALLIS: Objection, improper.

22 That's improper impeachment.

23 THE COURT: Overruled.

24 THE WITNESS: I don't know where he
25 wrote his report from, but I told him we had

1 had discussions before. And if she
2 couldn't -- I couldn't make her happy or she
3 couldn't make me happy, because we both
4 weren't happy with the way things were going,
5 then if it come to, you know, her having to
6 leave or me having to leave, whoever -- you
7 know, I would leave. It didn't matter.

8 BY MR. MIZRAHI:

9 Q Well, the conversation was you said, well,
10 who's going to take the house. I'll leave. I guess
11 you were being a gentleman, if you can say that. You
12 said, I'll leave, and she said, no, no. You can have
13 the house. I'm taking Aaron and I'm leaving, correct?

14 A Yes.

15 Q Okay. And then she leaves her son sleeping
16 in the bed, correct?

17 A Yes.

18 Q And walks out the door.

19 A Yes.

20 Q She doesn't tell you where she's going,
21 correct?

22 A That's correct.

23 Q She doesn't say anything in the world about
24 what to do with Aaron, correct?

25 A No. He was sleeping so no, she didn't.

1 Q She doesn't mention, oh, Michael, listen, by
2 the way, you need to feed him breakfast, get him
3 dressed, take him to day care, do all these errands
4 around the house because I'm going for a long walk.

5 A No. But I knew what to do with my own son.

6 Q Primarily, Bonnie was the caregiver, correct?

7 A Yes. We both were.

8 Q Well, I'm not saying you didn't do anything
9 with your son, Mr. Haim, but I'm saying she drove him
10 to day care every day, right?

11 A Mostly.

12 Q That's why she got to work later, right?

13 A The office didn't work as early as we did,
14 anybody in the office.

15 Q I understand that. But she couldn't get him
16 to day care at 6:30, right?

17 A She could, I guess, if she wanted to.

18 Q Regardless, she's the one that took the child
19 to day care every day, right?

20 A Mainly, yes.

21 Q Okay. That's all I'm saying.

22 And she was a great mother, right?

23 A She was.

24 Q You heard this discussion about you wanting
25 to work out and go hunting with Curt Jolicoeur, right?

1 A Work out. I don't believe I ever asked
2 him -- I don't even know if he was a hunter. But I
3 know I did ask him on occasion several times because I
4 worked out with John Higginbotham with our company a
5 lot too.

6 Q At your house?

7 A Yes.

8 Q Okay. And you knew he lived in Orange Park.

9 A I don't believe I knew where Curt lived.

10 Q Okay.

11 A I mean, he worked -- he worked 15 minutes
12 from our house so --

13 Q But you would agree that you were starting to
14 ask him to come over to work out in the weeks leading
15 up to your wife's disappearance, correct?

16 A Well, he was coming around more often.

17 Q Coming around who more often?

18 A Well, we had -- on Thanksgiving, I remember
19 him driving up on his little crotch rocket scooter, and
20 he come by when we were there, the whole family, Bernie
21 and Eveann at their house.

22 Q So that was true, what he was saying about
23 you inviting him to go work out.

24 A Yes, absolutely.

25 Q And that happened around the period of time,

1 at least he testified, he started to become
2 romantically engaged with your wife, correct?

3 A I don't believe I knew Curt that long. It
4 happened within the last -- end part of '92.

5 Q Okay. So the answer's yes.

6 A Okay. Yes.

7 Q Now, you testified just now on direct
8 examination that you believe that Bonnie was wearing
9 jeans when she left, correct?

10 A That is correct.

11 Q And you have no other description of any
12 clothing whatsoever.

13 A I believe I thought she was wearing jeans and
14 a sweater.

15 Q Okay. Isn't it true that previously, you
16 have given testimony under oath that you believe she
17 was wearing some form of workout clothes?

18 A I may have.

19 Q Okay. And so it's fair to say that you
20 really don't know what she was wearing, correct?

21 A I'm not absolutely positive what she was
22 wearing.

23 Q So she could have been wearing sweatpants,
24 correct?

25 A It's possible.

1 Q Okay. Or jeans.

2 A Yes.

3 Q Certainly, you would have noticed if she
4 would have left the home barefoot, correct?

5 A Yes.

6 Q And she was not barefoot?

7 A She was not barefoot.

8 Q And certainly, you would have noticed if she
9 left the home without some form of clothing to her
10 upper body because it was winter in January, correct?

11 A Correct.

12 Q Okay. So she was wearing -- I think you
13 testified maybe a sweater or some kind of jacket,
14 right?

15 A Right.

16 Q Okay. You -- you have no idea what it would
17 take to lift that pallet because you never tried,
18 right?

19 A I mowed and weed-eated around it. It never
20 moved.

21 Q I understand that. But you never tried to
22 lift it, right?

23 A I never tried to move it, no.

24 Q Now, [REDACTED] was telling the truth
25 when he came into this Court and talked a lot about

1 your personal history that you and him discussed,
2 correct?

3 A He did have some stories, yes.

4 Q Okay. But it wasn't just personal stories he
5 told the truth about, correct? He told the truth when
6 he talked about how your house got luminol'd during the
7 course of the investigation, correct?

8 A He may have, yes.

9 Q Yeah. That's something that you shared with
10 him, right?

11 A It's possible.

12 Q Okay. So you did have conversations with
13 [REDACTED] about things having to do with your case,
14 correct?

15 A I wouldn't say -- not really. I mean, we
16 talked mainly about cars.

17 Q Well, I'm sure you did mainly talk about
18 cars, and I think that was [REDACTED] testimony.
19 But he also had information, specific information,
20 about the investigation of your case from you, correct?

21 A I don't know where he got his information
22 from.

23 Q But you just said you told him about the
24 luminol.

25 A I could have. I don't remember saying

1 anything about the luminol.

2 Q That wouldn't be in any press clippings,
3 right?

4 A It's not a word I use so I don't know.

5 Q Okay. Now, you testified that there was some
6 papers you remember seeing in the cell with
7 [REDACTED] correct?

8 A He gave me a paper to read about my case.

9 Q But you didn't have your police reports
10 laying around so he'd go read them, right?

11 A They were where our bed is. I mean, there's
12 nowhere to put anything when you're in there.

13 Q Did you say on direct examination that you
14 told your lawyer about snitches, being actually housed
15 with them? Did you say that on direct?

16 A I told him that [REDACTED] whatever his
17 name is, told me he was a snitch.

18 Q And certainly, you would have had
19 conversations -- I don't mean to get into any
20 attorney/client privilege. But certainly, you would
21 know to protect your paperwork away from any potential
22 snitches, right?

23 A There's really no way to protect your
24 paperwork in there, and I didn't have anything to, you
25 know, work --

1 Q You can read it and get rid of it, right?

2 A You mean tear it up?

3 Q Sure.

4 A I guess that was one thing I could do.

5 Q And you're saying that within the first few
6 weeks of you being arrested, you had your paperwork in
7 the jail.

8 A I had paperwork. I couldn't tell you what
9 was in it. I had letters from home and different
10 things.

11 Q Okay. Mr. Haim, letters from home are not
12 relevant. What's relevant are the police reports,
13 which would contain detailed information about your
14 case, right?

15 A Right.

16 Q Okay. You did not have those laying around
17 for [REDACTED] to read, did you?

18 A I didn't let him read them personally. I
19 didn't give them to him, if that's what your asking.

20 Q No. My question is you may have had personal
21 letters. You may have even had information charging
22 you with this crime in your cell. But you did not have
23 Mr. Fallis raising up five or six -- the book.

24 A I didn't have a book, no, sir.

25 Q Of hundreds and hundreds of pages of police

1 reports, did you?

2 A No. I had no book. I had papers but no
3 book.

4 Q Okay. Which was probably what, information?

5 A I don't remember what it was.

6 Q You did go to the infirmary, correct?

7 A I did.

8 Q Regularly.

9 A Every week at 3:00 in the morning.

10 Q So although you don't remember

11 [REDACTED] that was certainly a place you could
12 have met another individual, correct?

13 A I could have been in a line with him, taking
14 my blood pressure. That is correct.

15 Q Sure. Okay.

16 You did call Liz on Saturday and say that
17 Aaron didn't see the incident, and you didn't want him
18 questioned any more, correct?

19 A I said Aaron was sleeping at the time. And,
20 you know, when the police come, they told me he was
21 going to be gone for 45 minutes, and I found out it was
22 almost the whole day.

23 Q Okay. You would agree that you did have
24 scratches on you as testified to by Nina Abbey,
25 correct?

1 A That I did?

2 Q Correct.

3 A I did not.

4 Q Okay. You would agree that you were wearing
5 a long-sleeve shirt in that video that we have of you
6 saying there was nothing you could do to stop your wife
7 from leaving.

8 A On that video, that -- I did have on long
9 sleeves.

10 Q Okay. And you've never done anything to that
11 woman, Nina. You barely know her, right? You know her
12 husband.

13 A I don't remember her at all, to be honest
14 with you.

15 Q All right. Now, Aaron was a good kid, right?

16 A Yes, very -- very good kid.

17 Q And there wasn't anything about your
18 relationship with Aaron that would cause him to dislike
19 you that you're aware of, correct?

20 A Nothing at all.

21 Q During the course of your conversation with
22 the police the night that -- or the day that you claim
23 Bonnie went missing, you wanted to be helpful, right?

24 A I did everything they asked me to do.

25 Q Okay. But you couldn't provide anything more

1 than I think she was wearing blue jeans to them about
2 how she left, correct?

3 A Couldn't make a story up I didn't know. I
4 didn't know. I told them the best of my knowledge,
5 what they asked.

6 Q Now, you said on the video that there was
7 nothing that you could do to stop her, correct?

8 A Well, I mean, I -- talking about forcibly
9 stopping her?

10 Q Oh, you could, right?

11 A I wouldn't forcefully stop her.

12 Q Well, I mean, let's think about this,
13 Mr. Haim. Your wife is making certainly a rash
14 decision to leave your home around midnight without a
15 plan, correct?

16 A I just thought she was going driving. I
17 didn't know where she was going.

18 Q Well, I mean, were you worried about her
19 safety?

20 A Yes.

21 Q Right.

22 A Even before then, I was worried about her
23 safety.

24 Q Because that's not a normal decision to make,
25 right?

1 A To go out in the middle of the night?

2 Q Yeah.

3 A No, not for a woman, I wouldn't think.

4 Q A small, petite woman, right?

5 A Correct.

6 Q Yet your reaction to her leaving is continue
7 watching television, right?

8 A No.

9 Q Well, I think that's what you testified to,
10 is it not?

11 A I said we were watching -- I was watching
12 television when she left.

13 Q Right. And she left and you continued
14 watching television.

15 A No, that's not correct.

16 Q You immediately turned it off?

17 A I went to lay down with Aaron.

18 Q Lay down with Aaron?

19 A That is correct.

20 Q How does that help Bonnie?

21 A How am I helping her? She's not there.

22 Q How come you don't follow her?

23 A Aaron is asleep. Am I going to leave him?

24 Q Well, Aaron's asleep, safe in your house, and
25 Bonnie, as you've testified to, is depressed, correct?

1 A Yes.

2 Q Is acting strange, correct?

3 A Withdrawn, yes.

4 Q Withdrawn, depressed. You're having marital
5 problems, correct?

6 A She's --

7 Q And she just walks out of your house. It's,
8 like, midnight. And your reaction is, well, I'm just
9 going to go lay down with Aaron.

10 A I assumed she was going to her mother's. I
11 don't really know what else to tell you.

12 Q You assume that she was going to her
13 mother's.

14 A That's the logical thing I thought.

15 Q Sure. Yet your reaction three hours later is
16 not to call her mother, who you testified to on direct
17 examination that you had a great relationship with, and
18 say, hey, mother-in-law -- Patty is her name -- Patty,
19 is Bonnie over there? She has -- she's depressed and
20 she left me and my son at midnight and left. And I
21 don't know where she's at. Patty, I need help?

22 A I had several conversations with
23 Miss Pasciuto.

24 Q But not that night.

25 A Not at 3:00 in the morning or whenever it was.

1 Q Not at midnight, when she left?

2 A I didn't call her mother at midnight.

3 Q Not at 12:15, when she didn't come back after
4 15 minutes, correct?

5 A Correct.

6 Q Not at 1:00 o'clock, after she didn't come
7 back after an hour?

8 A Right.

9 Q Not at 2:00?

10 A Right.

11 Q Not at 3:00?

12 A No.

13 Q Never.

14 A I talked to her the next day.

15 Q Yeah. The next day, after her purse was in
16 the dumpster, right?

17 A Yeah.

18 Q Okay.

19 A It didn't alarm me until they called me with
20 the purse.

21 Q It did alarm you because at 3:00 a.m., you're
22 driving around the city allegedly looking for her.

23 A That is correct.

24 Q Isn't it true, Mr. Haim, you weren't looking
25 for her? You were dumping the car at the airport,

1 isn't that true?

2 A That's absolutely not true.

3 Q Isn't the amount of time that you were gone
4 the exact amount of time that it would take to get to
5 and from JIA from your house?

6 A So I towed the car? I don't understand.

7 Q Well, someone -- you may have taken a cab
8 home, may have driven the car. You can tell them. I
9 don't know the answer to that question.

10 A I don't know --

11 Q My question was --

12 MR. FALLIS: Objection, Your Honor.

13 BY MR. MIZRAHI:

14 Q -- how --

15 MR. FALLIS: Badgering the witness.

16 THE COURT: Overruled.

17 BY MR. MIZRAHI:

18 Q My question was the exact amount of time that
19 you were gone, driving around the city by yourself is
20 the exact amount of time it would take for someone to
21 drive a car from around your house out to the airport
22 and get back, correct?

23 A That is not correct.

24 Q It's not? The airport's about 15 minutes
25 away, right?

1 A I don't know how you get there in 15 minutes
2 from Dolphin Avenue unless you flew.

3 Q Well, at 3:00 a.m., there's not a lot of
4 traffic, is there?

5 A Well, if I drove, like, 100 miles an hour, I
6 could have got there that fast.

7 Q Isn't it about five to six miles away?

8 A I don't think so.

9 Q Because just to be clear, Dolphin Avenue is
10 just north of the Trout River, is that accurate?

11 A It's -- it's off of Dunn Avenue.

12 Q It's on the north side, right?

13 A Yes.

14 Q Okay. You're not coming from the beach or
15 from Mandarin, right?

16 A No. But I didn't drive around the city.

17 Q Okay. Well, I understand. You drove to the
18 airport, correct?

19 A You just said I drove around the city. I
20 said I went to her mother's house. I drove up Dunn
21 Avenue and I was home within 30 minutes is my
22 recollection.

23 Q Right. You heard your mom say 35 to 45,
24 right?

25 A Yes, I did.

1 Q Okay. So certainly, you -- you testified
2 that in the three or so hours -- this depressed Bonnie
3 leaves you and her son without making any contact in
4 the middle of the night -- that you don't do anything
5 except lay with Aaron. You were awake, right?

6 A Yes, I was awake.

7 Q Right. It wasn't like you fell asleep,
8 right?

9 A I laid down with my son.

10 Q And then you got the idea, well, you know
11 what, I need to call my mother, correct?

12 A I wanted to go check at her mother's house.
13 And I called my mother and said, can you go by and look
14 and see if Bonnie is at her mother's house.

15 Q Because the call to her mother would not have
16 been right.

17 A I would never call her mother -- my mother --
18 I probably shouldn't have called my mother, but I would
19 never call her mother at 3:00 in the morning.

20 Q Even if you were worried that her daughter
21 was depressed and out in Jacksonville at 3:00 a.m.?
22 That wouldn't be a reason to call?

23 A I wouldn't do it. I don't know what to tell
24 you.

25 Q But you also didn't call her best friends,

1 correct? You didn't call Sandra Wooden, right?

2 A I didn't call -- I didn't call anyone but my
3 mother at 3:00 in the morning.

4 Q But you could have called these people.

5 A I could have.

6 Q And you made the decision not to.

7 A Yes.

8 Q Now, at this point, you and Bonnie worked
9 together, correct?

10 A We worked at the same business, yes.

11 Q And you called in to your work to let them
12 know that you were not coming in, correct?

13 A That is correct.

14 Q And you still had zero idea where Bonnie was,
15 correct?

16 A That's correct.

17 Q And you know that Aaron had to get to day
18 care, correct?

19 A No.

20 Q Well, I mean later in the day but yeah.

21 A When I called in, I didn't even expect to
22 take Aaron to day care.

23 Q Because you were just going to stay home with
24 him that day?

25 A Yeah, exactly. I wasn't going to work.

1 Q How in the world would Bonnie have known
2 that?

3 A Known what?

4 Q That you were staying home with Aaron.
5 Wouldn't Bonnie think, Aaron has to get to day care
6 because my husband and I have to get to work?

7 A Yes.

8 Q Okay. So she hasn't made any contact with
9 her son or you about his being taken care of, correct?

10 A That's correct.

11 Q But you call work saying, I'm not going to
12 come in today, correct?

13 A That is correct.

14 Q And you testified under oath on direct
15 examination that you did not bother to say, hey, Mike,
16 my subordinate, when Bonnie gets in, can you let me
17 know?

18 A Not at 7:00 in the morning. That's right.
19 Maybe at 9:00, I would have asked him that question.

20 Q Well, at 9:00, you would have asked him if he
21 was there.

22 A That is correct.

23 Q Okay? 9:00, you would have asked him if she
24 was there. At 7:00, you would have said, hey, if
25 Bonnie comes in, tell her to give me a call.

1 A I could have.

2 Q Okay. But you chose not to.

3 A I told him I wasn't coming in and that was
4 the whole conversation.

5 Q Did you notice over the course of the
6 investigation that bodies were being recovered in
7 different parts of Jacksonville? Correct? You
8 heard -- saw that on the news and things like that?

9 A I didn't watch the news.

10 Q You didn't pay attention to see if bodies
11 were discovered to see if maybe it was Bonnie?

12 A Never paid attention to bodies being found.

13 Q Okay. 'Cause you already moved on, right?

14 A Moved on?

15 Q Yeah. You moved on from Bonnie, right?

16 A What are you talking?

17 Q Well, you moved on from Bonnie and were
18 dating someone else the very same year, 1993, correct?

19 A I wouldn't call it dating someone else.

20 Q You weren't dating Charlene?

21 A No.

22 Q When were you dating Charlene?

23 MR. FALLIS: Objection, Your Honor.

24 This goes way beyond the scope of direct.

25 THE COURT: Overruled.

1 BY MR. MIZRAHI:

2 Q When --

3 A When did I first --

4 Q If it wasn't the end of '93, beginning of
5 '94?

6 A Possibly.

7 Q Okay.

8 Showing you what's been entered into evidence
9 as State's Exhibit 39. Do you see that, Mr. Haim?

10 A Yes, sir.

11 Q What's this?

12 A It looks like -- I'm not -- I'm not
13 100 percent sure what that is.

14 Q Describing it at some point, would chemical
15 be accurate?

16 A I can't say that's a chemical. It could be
17 something in the yard, like, spray or something for
18 weeds.

19 Q Like, a pesticide?

20 A That's where I kept the weed control.

21 Q Things that kill other things. Okay. I'll
22 move on.

23 Is this the white carpet you're talking about
24 in State's Exhibit 41?

25 A Yes, that is correct.

1 Q Okay. So in your little lease agreement,
2 which was written in 2000, 2001, this 1993 carpet,
3 beginning of 1993, is not new anymore, right?

4 A It looked knew. It was.

5 Q Okay. But it wasn't new.

6 A No. It wasn't brand new, no.

7 Q Talk about the lease for a second.

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

10 THE COURT: You may, sir.

11 MR. MIZRAHI: Mr. Fallis, where are your
12 exhibits?

13 I have it.

14 BY MR. MIZRAHI:

15 Q I'm showing you what's been entered into
16 evidence as State's [sic] Exhibit 43. Page 5 of 6,
17 under tenant rules and regulations, Clause 18, who
18 wrote that star on that piece of paper? We saw -- we
19 saw it on the overhead earlier in the trial.

20 A It was -- it was probably me.

21 Q Okay. And that paragraph says that there's
22 an addendum to that, correct?

23 A Addendum? Yes.

24 Q Yes, sir. Okay. Thank you.

25 Isn't it true, Mr. Haim, that Bonnie received

1 that black and white woven rug as a Christmas present
2 in 1992, and it was kept in the kitchen to match all
3 her other cow paraphernalia?

4 A I don't recall when she got it, from who or
5 anything like that.

6 Q Would you agree that the kitchen doesn't have
7 rugs in it? Correct?

8 A No. The floor is pretty much brand new.

9 Q Okay. But on January 6th of 1993, it did
10 have rugs in there, correct?

11 A I don't know. I don't think so. I don't
12 know.

13 Q Well, what were all those things balled up in
14 your laundry room?

15 A I didn't put them there.

16 Q Would it be unusual for your mom, Carol Haim,
17 to have Bonnie Haim's car key and house key on that key
18 chain we've seen with Aaron picture on it?

19 A I don't know. I don't know what my mom had.

20 Q You testified that Bonnie had acrylic nails
21 and she was painting them?

22 A Yes.

23 Q What color was she painting them?

24 A I don't recall the color.

25 Q So she was into her nails and they were

1 acrylic?

2 A That was pretty important to her.

3 Q Okay. The call that Bonnie Haim made to
4 Eveann Haim --

5 A Yes.

6 Q -- that you say is true -- that call
7 happened, correct?

8 A Yes.

9 Q -- took place before you and Bonnie had any
10 discussions about your marriage, right?

11 A Absolutely, yes.

12 Q So she was not upset.

13 A No.

14 Q But Bonnie Haim was upset after your
15 discussions, correct?

16 A She wasn't crying, if that's what you mean.
17 She was withdrawn.

18 Q Okay. But Eveann Haim was right that you did
19 have a discussion -- marital discussions with Bonnie on
20 January 6th, 1993, correct?

21 A Yes.

22 Q Okay.

23 One of the things about the time line I want
24 to point out is you made a phone call at 7:00 a.m.,
25 correct?

1 A Yes.

2 Q And your testimony on my cross examination
3 question was, I would not have called in to ask about
4 Bonnie until 9:00 o'clock 'cause she wouldn't have
5 gotten there until 9:00 o'clock, correct?

6 A Her normal arrival time for the office was
7 between 8:30 and 9:00. That's correct.

8 Q Isn't true, Mr. Haim, that you did not
9 receive your phone call about her purse being in a
10 dumpster until 9:22 a.m.?

11 A I don't recall what time the phone call come
12 in.

13 Q And what were you doing from 7:00 o'clock
14 until 9:22, which was the testimony of Randy Faulk,
15 when he got dispatched? What were you doing for that
16 two hours and 22 minutes to help find your wife?

17 A I was home with Aaron.

18 Q So the answer's nothing?

19 A That's right. I was at home with Aaron.

20 Q I just want to clear up something. Your
21 release in this case was pursuant to a surety bond,
22 correct?

23 A Excuse me?

24 Q Your release -- Tom Fallis, Mr. Fallis --
25 excuse me -- asked you about that you were in jail for

1 a short period of time until your release, correct?

2 A Yes.

3 Q That was pursuant to a surety bond that was
4 posted, correct?

5 A I couldn't tell you what kind of bond it was
6 called. I never heard --

7 Q A bond.

8 A Yes.

9 Q Okay. You would agree that the Toyota Camry
10 was Bonnie Haim's mode of transportation, correct?

11 A Yes.

12 Q And she was a busy working mother, correct?

13 A Yes.

14 Q And in the days leading up to her
15 disappearance, not only did she have to drive Aaron
16 around to get him to and from his child care --
17 correct? She had to do that.

18 A Well, I picked him up quite often as well.

19 Q Okay. But she at least had to get him there,
20 right?

21 A Yes.

22 Q She wouldn't just stop in the car -- it
23 wasn't a car pool lane situation. She would have to
24 get out of the car and take him in, right?

25 A Yes.

1 Q Okay. So she would do that and go to work.
2 In fact, she went to Gainesville a couple times, I
3 think, in this period of time, is that correct?

4 A Not in her car but she did travel to
5 Gainesville.

6 Q But she's a busy woman. She's getting in and
7 out of that car a whole bunch of times, correct?

8 A Well, when she went to work, she got out,
9 yes.

10 Q Okay. And the last time that you ever drove
11 that vehicle is going to be New Year's Day, correct?

12 A Possibly. I think I could have drove it on
13 the 4th, after we went to the funeral, to pick up
14 Aaron. I couldn't say 100 percent but it's possible.

15 Q You testified on direct examination that on
16 the night in question, on January 6th, that you went
17 into the car to get packages.

18 A That's correct.

19 Q You didn't sit in the driver's seat and put
20 your feet facing forward to get those packages, did
21 you?

22 A I could have sat in the car -- I don't know
23 exactly where my feet would have been -- to get Aaron
24 out of the car. I don't know.

25 Q Well, that's not logical, Mr. Haim. You just

1 reach in and get the packages, right?

2 A The packages possibly but not Aaron.

3 Q Well, you would sit in the driver's seat to
4 get Aaron out of the backseat of the passenger seat?

5 A He was in the front seat.

6 Q Is he usually in the front seat?

7 A Yes.

8 Q All the time?

9 A All the time. That's where -- wherever he
10 wanted to sit is where he'd sit. That's where he'd
11 sit.

12 Q Okay. In the car seat?

13 A In the car seat. And he told whoever he
14 wanted to drive him, if it was me or Bonnie, that --
15 whoever he wanted to drive, and the other person sit in
16 the backseat.

17 Q Okay. But you would agree that you could
18 have easy gotten him out of the car seat by walking to
19 the passenger's side, right?

20 A I could have.

21 Q Okay. And the process by which you would
22 have gone to get him out of the car on the night in
23 question would be to walk from your house to the
24 carport to get him out, right?

25 A Yes.

1 Q So you're not doing -- you weren't doing yard
2 work right before all this, were you?

3 A I believe it was dark.

4 Q Okay. So you walk from your house directly
5 to the car. You got him out. You took him back in.

6 What were in those packages?

7 A I don't recall exactly. I know there was a
8 receipt in the purse that -- from Walmart.

9 Q Okay. But you don't remember? How many were
10 there?

11 A How many packages?

12 Q Sure.

13 A I don't -- I don't recall how many. There
14 was more than a couple.

15 Q And no idea what was in them.

16 A I wasn't with her so I don't know.

17 Q Well, sometimes if my wife goes shopping,
18 I'll see what she got.

19 A Don't recall. I mean, it's been a long time
20 since I looked, you know.

21 Q I understand.

22 You would agree, though -- that's State's
23 Exhibit 148, Mr. Haim -- that those are your Nike
24 Size 10 Air Advantage shoes, correct?

25 A That's correct.

1 Q And you would agree that when the police
2 seized them from your house on January 8th of 1993,
3 they were under your coffee table, correct?

4 A In plain sight.

5 Q Plain sight.

6 You would agree that that was the condition
7 of the sole of those shoes, correct?

8 A I guess, yeah.

9 Q And you would agree also that your work
10 truck -- is this your work truck, 149?

11 A What do you mean, 149?

12 Q State's Exhibit 149. I'm sorry.

13 A Oh.

14 Q That that's your truck.

15 A Yes.

16 Q And that your truck doesn't have any sand in
17 it, right? Or at least a gross amount of sand.

18 A I mean, it's dirty. I -- I don't -- I'm not
19 sure about sand. It's dirt.

20 Q All right. You would agree that there's a
21 distinct difference between the amount of sand present
22 in your work truck and the amount of sand present in
23 State's Exhibit 142, which was the Toyota Camry that
24 was towed from the airport that was your wife's,
25 correct?

1 A I mean, I see sand. That doesn't look like a
2 lot but I do see it.

3 Q That's not a lot of sand for her brand-new
4 Toyota Camry?

5 A Well, you can get dirt on a mat pretty
6 easily. It was not brand new. It was about six or
7 eight months old.

8 Q Okay. And you would agree that that is your
9 sandy shoe print, correct?

10 A I couldn't tell you that.

11 Q You are a neat person, are you not, Mr. Haim?

12 A I'm an organized person yes, sir.

13 Q I mean, we see that from the pictures of your
14 house and the pictures of your shed and the pictures of
15 the outdoors, correct?

16 A That closet doesn't look organized but --

17 Q Well, I think that -- those pictures I think
18 you were kind of blaming on Bonnie because you said you
19 don't throw towels on the ground like that.

20 A I don't do that, no.

21 Q Okay. But the outdoor pool area you kind of
22 kept in order, right?

23 A Yeah. I guess. I mean, it was wintertime so
24 it wasn't something I was outside doing, winter stuff.

25 Q Okay. You would agree, Mr. Haim, that you

1 have the motive to murder Bonnie Haim, correct?

2 A I don't think so.

3 Q You would agree that you would have had the
4 opportunity to murder Bonnie Haim, correct?

5 A I wouldn't do anything like that.

6 Q That's not my question. My question is you
7 had the opportunity to kill her if you wanted to,
8 correct?

9 A Yes.

10 Q And you would agree that you would have had
11 the ability to do it physically.

12 A No. I disagree on that.

13 Q Really?

14 A Yes.

15 Q Okay. Those guns were yours, right?

16 A I've never shot anything but a squirrel with
17 anything.

18 Q Okay. But you were much stronger and bigger
19 than Bonnie, correct?

20 A You're saying shooting her. I mean, that's
21 what you just said.

22 Q I said two things. I said, one, you have the
23 ability to shoot, and, two, you have the physical
24 ability to hurt her severely, ending her life.

25 A I would never harm my wife.

1 Q I understand that you're saying you never
2 would. You have the physical ability to do it.

3 A Possibly, I guess, if that's what you say.

4 Q And nobody else would have had the same
5 opportunity, motive and ability as you, correct?

6 A I disagree.

7 Q Well, you would agree that if someone that we
8 don't know about had the same motive and opportunity
9 and ability that those people didn't have sandy Nike
10 Air Advantage Size 10 sneakers, correct?

11 A I mean, I don't think Nikes are that
12 uncommon.

13 Q And you would agree that whoever this unknown
14 person is that Aaron wouldn't call them "Daddy,"
15 correct?

16 A Yes.

17 Q And you would agree that in 1993, Aaron
18 Fraser used to call you "Daddy."

19 A That's correct.

20 Q Do you feel at all responsible for Bonnie
21 Haim's murder?

22 A No.

23 MR. MIZRAHI: That's all the questions I
24 have.

25 THE COURT: Redirect?

1 MS. WARREN: No. 51, Alan, State's 51.

2 MR. MIZRAHI: Which one?

3 MS. WARREN: He wants 51, State's 51.

4 REDIRECT EXAMINATION

5 BY MR. FALLIS:

6 Q Do you see what's on the screen there
7 already, Mr. Haim?

8 A Yes, sir.

9 Q Okay. And they're saying that is
10 something -- some bricks and cement that were removed
11 from what you had described as that pallet area under
12 the shower. Okay?

13 A I didn't -- it wasn't a pallet area. I heard
14 that the whole time.

15 Q Well, I'm going to ask you this: Who put the
16 bricks and possibly the cement on that area?

17 A I'm assuming one of the renters. The last
18 renter, I'm assuming. I'd never seen it before.

19 Q Do you know if Mr. Mitchell was the one who
20 put that on there?

21 A I believe it was him. That looks pretty
22 shoddy but that's what -- I guess that's who did it.

23 Q As a matter of fact, did your dad tell you
24 that he had -- that he had done it?

25 A Yes.

1 MR. FALLIS: Okay. Thank you. That's
2 all, Judge. I have nothing further.

3 THE COURT: All right, Mr. Haim. You
4 can return to your seat. Thank you.

5 (Witness excused.)

6 THE COURT: Mr. Fallis?

7 MR. FALLIS: I'm sorry, Your Honor. At
8 this time, the defense would rest.

9 THE COURT: All right. The defense has
10 now rested their case, ladies and gentlemen.

11 And it's 6:00 o'clock. We're going to
12 go ahead and break for the day. Come back
13 tomorrow morning at 9:00 o'clock, and we will
14 finish the trial. Sometime tomorrow, you'll
15 have the case to deliberate. All right?

16 So one more night to resist that
17 temptation to talk about the case. You've
18 heard a lot but you haven't heard everything
19 yet. So you're not to form any fixed
20 opinions until you hear it all. So follow
21 that.

22 Have a good night. Get a good night's
23 rest. We'll see you at 9:00 o'clock tomorrow
24 morning.

25 (Jury excused.)

1 THE COURT: All right. Mr. Mizrahi and
2 Mr. Heavener, is that the end of the
3 evidence?

4 MR. FALLIS: Your Honor, I've got to
5 make a motion.

6 MR. MIZRAHI: He can make the motion and
7 we'll discuss --

8 THE COURT: Yes, sir, Mr. Fallis. I'm
9 sorry.

10 MR. FALLIS: Your Honor, at this time,
11 after the State and defense have both rested,
12 I would renew my motion for judgment of
13 acquittal as to second-degree murder, the
14 specific reasons I had given at the end of
15 the State's case.

16 THE COURT: That motion for judgment of
17 acquittal.

18 You're done?

19 MR. MIZRAHI: Yes, sir.

20 THE COURT: Okay. So let's have -- can
21 we have our charge conference now? 'Cause my
22 understanding was these are fairly
23 straightforward so we can flip through them.

24 MR. FALLIS: Can we do it tomorrow,
25 Judge? I don't -- I mean, it's not going to

1 be a long charge, but there is one thing I
2 wanted to research before I agreed to it, and
3 I haven't had an opportunity to do that. I
4 don't think our charge conference will take
5 more than 15 minutes or 20 minutes.

6 MR. MIZRAHI: We can come at 8:30 before
7 the jury gets here.

8 THE COURT: You read my mind. 8:30
9 tomorrow morning in here and do our charge
10 conference, any last minute things. And
11 we'll start with closing arguments at
12 9:00 a.m.

13 MR. FALLIS: I've got -- did you change
14 the instructions that you gave me?

15 MR. MIZRAHI: No. I haven't. Honestly,
16 I haven't even looked at them since I
17 e-mailed them. So any changes you have, let
18 me know and we'll get them done.

19 THE COURT: Maybe at a break or on your
20 recess, get the e-mail from Mr. McCallister.
21 I don't have access to a printer now so if
22 you can --

23 MR. MIZRAHI: I'll bring --

24 THE COURT: -- bring clean copies.

25 MR. MIZRAHI: I'll bring clean copies.

1 THE COURT: All right. See y'all
2 tomorrow morning.

3 (Whereupon the proceedings were adjourned.)

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