

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

6 STATE OF FLORIDA

7 - vs -

8 MICHAEL RAY HAIM,

9 Defendant.

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12 STATE OF FLORIDA)

13 COUNTY OF DUVAL)

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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 9th of April, 2019,
18 before Karen Waugerman, a Notary Public in and for the
19 State of Florida at Large and Registered Professional
20 Reporter.

21

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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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P R O C E E D I N G S

2 (April 9, 2019)

(9:02 a.m.)

3 (Defendant present.)

4 THE COURT: Good morning, everyone.

5 MR. MIZRAHI: Good morning, Your Honor.

6 MS. WARREN: Good morning, Your Honor.

7 THE COURT: Is the jury here?

8 THE BAILIFF: Yes, sir.

9 MR. MIZRAHI: Your Honor, may counsel
10 and I converse before we start? We're still
11 waiting on Mr. Fallis.

12 THE COURT: I noticed that. You may.

13 MS. WARREN: Thank you, Your Honor.

14 (Pause.)

15 THE COURT: The jury is here. Are we
16 ready to bring them in?

17 MR. MIZRAHI: Your Honor, yes. I just
18 want to put a few things on the record before
19 we start. As indicated yesterday, we have
20 gone ahead and premarked all the exhibits but
21 for the two exhibits, State's 17 and
22 State's 18, that the Court denied entry. So
23 we've just omitted those two numbers. We'll
24 skip those two numbers. So we'll go directly
25 from 16 to 19. And everything's been

1 premarked as previously stipulated to. I've
2 submitted the evidence list to the clerk. So
3 it's State's 1 through 156, omitting 17 and
4 18.

5 THE COURT: Any objections to those
6 exhibits coming in, Mr. Fallis?

7 MR. FALLIS: No, Your Honor.

8 THE COURT: Then State's 1 through 156
9 with the exception of 17 and 18 are admitted
10 into evidence.

11 (The items last above referred to were
12 received into evidence as State's Exhibit Nos. 1
13 through 16 and 19 through 156.)

14 MR. MIZRAHI: The other issue, Your
15 Honor, is my understanding is the defense
16 will be invoking the rule of sequestration.
17 We have many of the witnesses here in the
18 courtroom today. It's my understanding of
19 the rule that the next of kin are still
20 allowed to be in the courtroom, so by that
21 definition, there are two next of kin that
22 are state witnesses, Aaron Fraser and Liz
23 Peak. And they're both in the courtroom.
24 And I talked to Mr. Fallis, and he agrees
25 they can remain in the courtroom.

1 There are two witnesses the State's
2 intends to call, Bernie and Eveann Haim, who
3 are the aunt and uncle of the victim by
4 marriage. I'm not sure if that counts as
5 next of kin. Frankly, I don't think it does.
6 The State is requesting that if the rule of
7 sequestration is invoked by the defense that
8 Bernie and Eveann Haim are allowed to come
9 into the courtroom when they're done
10 testifying. That's the request of the State.

11 And I would have no intention -- I
12 believe Mr. Fallis says he might call them,
13 so he would insist on the rule being invoked
14 the entire time but I am making that request.

15 THE COURT: All right. Mr. Fallis?

16 MR. FALLIS: Your Honor, as to the last
17 two witnesses, it is a good possibility I
18 might be calling them in my case in chief, so
19 I would ask that the rule be in place.

20 THE COURT: If that's the case, then I'm
21 going to invoke the rule, and they'll have to
22 be out of the courtroom.

23 MR. FALLIS: Thank you.

24 THE COURT: All right. The rule is
25 invoked so if you haven't already, please

1 instruct your witnesses accordingly.

2 MR. MIZRAHI: I have instructed them all
3 and Mr. Robson will need to leave the
4 courtroom. Bernie and Eveann Haim will need
5 to leave the courtroom. And everyone else
6 should be okay.

7 Sandra Whitting (phonetic) is a listed
8 witness in the case, but the State has no
9 intention of calling her and Mr. Fallis
10 doesn't either.

11 THE COURT: Mr. Fallis, have you
12 instructed your witnesses?

13 MR. FALLIS: I'm just checking to make
14 sure nobody's here right now as we speak,
15 Judge.

16 Your Honor, there is a potential.

17 THE COURT: What's that, sir?

18 MR. FALLIS: Carol Haim. It's a
19 potential witness but I'm not quite sure.
20 But in an abundance of caution, I'm asking
21 she also be asked to remain outside.

22 THE COURT: Carol Haim?

23 MR. FALLIS: Yes, sir.

24 THE COURT: Is she leaving right now?
25 Is that her?

1 MR. FALLIS: Yes, sir.

2 THE COURT: All right. Have you
3 instructed your witnesses not to discuss
4 their testimony?

5 MR. FALLIS: I will.

6 THE COURT: Well, you're invoking the
7 rule. You need to.

8 MR. FALLIS: I understand. Normally,
9 once -- the judge usually calls all the
10 witnesses up and gives a dialogue from the
11 bench.

12 THE COURT: I'm not doing that. There's
13 too many --

14 MR. FALLIS: That's fine.

15 THE COURT: They're not all here, I
16 imagine, at this point.

17 All right. Instruct your witnesses
18 accordingly.

19 Are we ready to bring in the jury? I
20 told them 9:00 and it's 9:08.

21 MR. MIZRAHI: State's ready, Your Honor.

22 THE COURT: Defense ready to bring in
23 the jury?

24 MR. FALLIS: Yes, sir.

25 THE COURT: Bring in the jury.

1 Who's doing the opening?

2 MR. MIZRAHI: I am, Your Honor.

3 THE COURT: And, Mr. Fallis, you're
4 doing the opening?

5 MS. WARREN: I am, Your Honor.

6 THE COURT: Okay.

7 (Jury present.)

8 THE COURT: Actually, we need to swear
9 you first so you-all can stand back up.

10 One more time, Mr. McCallister. You can
11 swear the jury, please.

12 (Jury panel of six and two alternates was
13 duly empaneled and sworn.)

14 THE COURT: Now y'all can be seated.

15 Well, good morning.

16 THE JURORS: Good morning.

17 THE COURT: And welcome back. I hope
18 y'all had a good, restful night and are ready
19 to start the trial today.

20 Was everybody on the jury able to follow
21 my instructions about not discussing the case
22 with anybody or looking at any media
23 accounts?

24 THE JURORS: Yes, sir.

25 THE COURT: Thank y'all for doing that.

1 I'm going to read you some preliminary
2 instructions right now. Don't worry about
3 taking any notes. You can if you want but
4 it's not really necessary. Just listen
5 carefully. Some of the things I'm going to
6 tell you I will repeat later in the final
7 instructions, which I will read to you at the
8 end of the trial. And if you recall from
9 yesterday, those instructions, once I'm done
10 reading them to you, will be given to you in
11 writing, so you'll have all the definitions
12 in the law, things like that.

13 So I think it's more important that you
14 just listen carefully to these instructions.
15 I think it will help you as you begin to hear
16 the evidence here in just a few moments.
17 Okay?

18 All right. Ladies and gentlemen, you
19 have been selected and now sworn as the jury
20 to try the case of the State of Florida
21 versus Michael Haim. This is a criminal
22 case. Mr. Haim is charged with one count of
23 second-degree murder. The definition and the
24 elements of second-degree murder will be
25 explained to you later.

1 It is your solemn responsibility to
2 determine if the State has proved its
3 accusation beyond a reasonable doubt against
4 Mr. Haim. Your verdict must be based solely
5 on the evidence or lack of evidence and the
6 law. The information -- and that's that
7 charging document from which I read briefly
8 yesterday -- is not evidence and is not to be
9 considered by you as any proof of guilt.

10 It is my responsibility to decide which
11 laws apply to this case and to explain those
12 laws to you. It is your responsibility to
13 decide what the facts of this case may be and
14 to apply the law to those facts. Thus the
15 province of the jury and the province of the
16 Court are well-defined and they do not
17 overlap. That is one of our fundamental
18 principles of justice.

19 Before proceeding further, it will be
20 helpful if you understand how a trial is
21 conducted.

22 At the beginning of the trial, the
23 attorneys will have an opportunity, if they
24 wish, to make an opening statement. The
25 opening statement gives the attorneys a

1 chance to tell you what evidence they believe
2 will be presented during the trial. What the
3 lawyers say is not evidence and is not to be
4 considered by you as such.

5 Following the opening statements,
6 witnesses will be called to testify under
7 oath. They will be examined and cross
8 examined by the attorneys. Documents and
9 other exhibits may also be introduced into
10 evidence.

11 After the evidence has been presented,
12 the attorneys will then have a chance to give
13 their closing arguments to you.

14 And at the conclusion of the closing
15 arguments, that's when I'll read you the
16 final instructions on the law.

17 And then I'll have you go back to the
18 jury room to deliberate your verdict.

19 You should not form any definite or
20 fixed opinion on the merits of the case until
21 you have heard all the evidence, the argument
22 of the lawyers and the instructions on the
23 law by me. Until that time, you should not
24 discuss the case even amongst yourselves.

25 I now instruct you again not to

1 communicate with anyone, including your
2 fellow jurors, about this case. No
3 communication includes no e-mailing, text
4 messaging, tweeting, blogging or any other
5 form of communication.

6 You cannot do any research about the
7 case or look up any information about the
8 case. If you become aware of anybody doing
9 so, please let me know by contacting one of
10 the bailiffs or by me directly.

11 During the course of the trial, the
12 Court will take recesses. How I plan to do
13 this is probably take a midmorning break,
14 take a lunch break, a midafternoon break.
15 Generally, we're going to end around 5:00.
16 It can be a little earlier, a little later
17 depending on where we are in the terms of the
18 flow of the testimony. But that's our
19 general plan going forward.

20 During those recesses, you must not
21 discuss the case with anyone nor permit
22 anyone to say anything to you or in your
23 presence about the case. If anyone attempts
24 to say anything to you, tell them that you're
25 on the jury and tell them to stop. If they

1 persist -- which, again, I don't think will
2 happen. But just in case, please let one of
3 the bailiffs know who will then tell me and I
4 will address that situation.

5 The case must be tried by you only on
6 the evidence presented during the trial in
7 your presence and in the presence of the
8 defendant, the attorneys and the judge.
9 Jurors must not conduct any investigation on
10 their own. That includes reading newspapers,
11 watching television or using a computer, cell
12 phone or the Internet to get information
13 related to the case or the people and places
14 involved. This applies whether you are here,
15 of course, in the courtroom or at home or
16 anywhere else.

17 And you must not visit the places
18 mentioned in the trial or use the Internet to
19 look up maps or pictures of those places.

20 Jurors must not have discussions of any
21 sort with friends or family members about the
22 case or the people and places involved. So
23 do not let even your closest family members
24 make comments to you or ask questions about
25 the trial.

1 I want to stress again that just as you
2 must not talk about this case face-to-face,
3 you must not talk about the case by an using
4 electronic device.

5 What are the reasons for these rules?
6 These rules are imposed because jurors must
7 decide the case without distraction and only
8 on the evidence presented in the courtroom.
9 If you investigate, research or make
10 inquiries on your own, I will have no way to
11 make sure that the information you receive is
12 correct. And the lawyers will not have the
13 opportunity to dispute or challenge the
14 information that you are viewing. That's
15 contrary to how a trial should be and must be
16 conducted.

17 Any juror who violates these
18 restrictions jeopardizes the fairness of the
19 proceedings, and a mistrial could result,
20 which would require the entire process to
21 start over. So please make sure we follow
22 those rules.

23 Now, in every criminal proceeding, a
24 defendant has the absolute right to remain
25 silent. At no time is it the duty of a

1 defendant to prove his or her innocence.
2 From the exercise of a defendant's right to
3 remain silent, a jury is not permitted to
4 draw any inference of guilt. And the fact
5 that a defendant did not take the witness
6 stand must not influence your verdict in any
7 manner whatsoever.

8 The attorneys are trained in the rules
9 of evidence and trial procedure. And it is
10 their duty to make all objections they feel
11 are proper. When an objection is made, you
12 should not speculate on the reason why it is
13 made. Likewise, when an objection is
14 sustained or upheld by me, you must not
15 speculate on what might have occurred had the
16 objection not been sustained nor what a
17 witness might have said had he or she been
18 permitted to answer.

19 During the trial, it may be necessary to
20 confer with the lawyers out of your hearing
21 to discuss matters of law that are of concern
22 only to me. If that happens, please know
23 that we're going to do the best to use your
24 time as wisely as possible, not take up any
25 unnecessary time at sidebar. But please

1 understand that could happen during the
2 trial.

3 I'm going to read you a brief synopsis
4 of the law that pertains basically to all
5 criminal cases. I read some of it to you
6 yesterday during the jury selection process.
7 So this will sound somewhat familiar, but
8 it's good to hear it a couple times, I think.

9 The defendant has enter a plea of not
10 guilty. This means you must presume or
11 believe the defendant is innocent. The
12 presumption stays with the defendant as to
13 each material allegation in the information
14 through each stage of the trial unless it has
15 been overcome by the evidence to the
16 exclusion of and beyond a reasonable doubt.

17 To overcome the defendant's presumption
18 of innocence, the State has the burden of
19 proving, one, the crime with which the
20 defendant is charged was committed, two, and
21 the defendant is the person who committed the
22 crime. The defendant is not required to
23 present evidence or prove anything.

24 Whenever the words "reasonable doubt"
25 are used, you must consider the following: A

1 reasonable doubt is not a mere possible
2 doubt, speculative, imaginary or forced
3 doubt. Such a doubt must not influence your
4 to return a verdict of not guilty if you have
5 an abiding conviction of guilt.

6 On the other hand, if after carefully
7 considering, comparing and weighing all the
8 evidence, there is not an abiding conviction
9 of guilt or if having a conviction, it is one
10 which is not stable but one which wavers and
11 vacillates, then the charge is not proved
12 beyond every reasonable doubt, and you must
13 find the defendant not guilty because the
14 doubt is reasonable.

15 It's to the evidence introduced in this
16 trial and to it alone that you are to look
17 for that proof. A reasonable doubt as to the
18 guilt of the defendant may arise from the
19 evidence, conflict in the evidence or the
20 lack of evidence. If you have a reasonable
21 doubt, you should find the defendant not
22 guilty. If you have no reasonable doubt, you
23 should find the defendant guilty.

24 It is up to you to decide what evidence
25 is reliable. You should use your common

1 sense in deciding which is the best evidence
2 and which evidence should not be relied upon
3 in considering your verdict. You may find
4 some of the evidence not reliable or less
5 reliable than other evidence. You should
6 consider how the witnesses acted as well as
7 what they said.

8 Some things that you should consider
9 are: One, did the witness seem to have an
10 opportunity to see and know the things about
11 which the witness testified? Two, did the
12 witness seem to have an accurate memory?
13 Three, was the witness honest and
14 straightforward in answering the attorneys'
15 questions? Four, did the witness have some
16 interest in how the case should be decided?
17 Five, does the witness's testimony agree with
18 the other testimony and other evidence in the
19 case?

20 You may rely upon your own conclusion
21 about the credibility of any witness. A
22 juror may believe or disbelieve all or any
23 part of the evidence or the testimony of any
24 witness.

25 If you would like to take notes during

1 the trial, you may do so. Again, we
2 discussed this briefly yesterday. We have
3 provided a notepad and a pen for that
4 purpose. Don't write -- try to avoid writing
5 on that cover page. That way, when your
6 notepads are collected during a recess,
7 nobody will even have the opportunity to read
8 what you're writing. And they'll be
9 collected during recesses and overnight, kept
10 locked and secured. So nobody's going to
11 ever read your notes. Even at the end of the
12 trial -- including me, they'll just be
13 destroyed.

14 But remember what I said yesterday.
15 Don't get so involved in your note-taking
16 that you become too focused on that and
17 distracted and not able to actively listen to
18 what the witnesses are saying or what the
19 lawyers are arguing.

20 And, of course, you're not required to
21 take notes. That's a personal decision that
22 each of you can make. And you may sort of
23 change your mind as you're going through the
24 trial about how many notes you wish to take
25 but nobody's required to take notes.

1 And if you do take notes, please
2 remember that your notes are for your own
3 personal use. Your notes are only a tool to
4 aid your individual memory. You should not
5 compare your notes with other jurors in
6 determining the content of any testimony or
7 in evaluating the importance of any evidence.
8 Your notes are not evidence and are by no
9 means a complete outline of the proceedings
10 or a list of highlights of the trial. Above
11 all, your memory should be your greatest
12 asset when it comes time to deliberate the
13 verdict in this case.

14 And whether or not you take notes, you
15 should rely on your own memory of the
16 evidence, and you should not be unduly
17 influenced by the notes of other jurors.
18 Notes are not entitled to any greater weight
19 than each juror's memory of the evidence.

20 Now, deciding a verdict is exclusively
21 your job. I cannot participate in that
22 decision in any way. So please disregard
23 anything I may have said or done or will say
24 or do that makes you think I prefer one
25 verdict over another.

1 That concludes the first part of the
2 jury instructions. We're going to now hear
3 opening statements. The State will go first.

4 Mr. Mizrahi, you may give your opening,
5 sir.

6 MR. MIZRAHI: May it please the Court?

7 THE COURT: Yes, sir.

8 MR. MIZRAHI: Counsel.

9 Bonnie Haim was born May 20th, 1969.
10 And at 18 years old, she married her high
11 school sweetheart. She married this
12 defendant.

13 Her fairytale would continue two years
14 later with the birth of young Aaron Haim, the
15 apple of her life, the love of her life. And
16 even though Bonnie was a young woman, Aaron
17 was everything to her. And she was a great
18 mother.

19 But as things happen, Bonnie and this
20 defendant began to drift apart. And it
21 wasn't much longer, about three years later,
22 in December of 1992, that Bonnie Haim had
23 made the decision to leave this defendant.
24 She put deposits down on apartments and even
25 found a new day care for Aaron to go to. And

1 that was the most important part of her
2 decision was to make sure that the day care
3 that she found was perfect for her son.

4 During this process, she kept her
5 intentions secret from this defendant. But
6 it all came to a head on January 6th, 1993.
7 On the evening of January 6th, 1993, Bonnie's
8 plans became revealed, and her and this
9 defendant fought about their marital
10 problems. The fairytale turned into a
11 nightmare. Because this husband could do
12 absolutely nothing in the world to stop his
13 wife from taking their son and leaving him.
14 So he killed her. It was just that simple.

15 As is true with many domestic homicides,
16 this killing was done in the privacy of
17 Bonnie and Michael Haim's household. This
18 privacy gave this defendant the opportunity
19 to bury the body, to clean up any evidence of
20 the homicide, to drive Bonnie Haim's car out
21 to the airport and leave it in the parking
22 lot, to take her purse and throw it in the
23 dumpster, hoping no one would ever find it.
24 He was going to just pretend like Bonnie had
25 run off and left her three-year-old son

1 behind.

2 But all the privacy in the world did not
3 prevent Aaron, age three and a half, from
4 sitting in the Child Protection Team office
5 and disclosing to authorities what his
6 three-and-a-half-year-old little eyes saw,
7 that his dad was responsible for hurting his
8 mom.

9 While this defendant was the primary
10 suspect in his wife's disappearance from
11 January 7th, 1993, when it was discovered she
12 was disappeared, his plan worked to
13 perfection. Aaron's young age and the lack
14 of a body made it so this defendant was not
15 arrested or charged with this crime back in
16 1993. While justice was delayed, the truth
17 was always out there. And the truth was
18 buried in the marital home of Bonnie and
19 Michael Haim, in a shallow grave in their
20 marital home's backyard.

21 Aaron Fraser, Bonnie and Michael's
22 biological son, inherited that home on
23 Dolphin Avenue. And in December of 2014, he
24 began making renovations on the backyard to
25 make the house eligible to be sold. The

1 swimming pool in the backyard was in
2 disrepair.

3 So he brought in a large green excavator
4 to begin the process of demolishing the pool.
5 And in addition to the pool, there was a
6 detached outdoor shower so people could
7 shower off either before or after going into
8 the swimming pool.

9 And in demolishing that, in demolishing
10 the entire backyard, a leak sprung up from
11 the outdoor shower pipe. So Aaron had to
12 figure out where this leak was coming from to
13 stop it, one more speed bump in the process
14 of house renovations. So he took a shovel
15 and he began digging right next to the house.
16 That's where the pipes are, where this
17 outdoor shower was. And he's throwing his
18 shovel down. What's that? Oh, looks like
19 it's, like, a tarp someone put in there.
20 Maybe because of the outdoor shower, they
21 laid the tarp because they didn't want to get
22 the pipes to get corroded.

23 Let me break through that black tarp.
24 Weird. There's something in there. He
25 reaches in and pulls out what, at the time,

1 he believed to be a coconut. Why on earth
2 would someone bury a coconut in my backyard?
3 His friend that was with him -- I believe it
4 was his brother-in-law -- says Aaron, I don't
5 think that's a coconut.

6 And the realization of the truth
7 showered all over Aaron Fraser, and he
8 realized he was holding the mortal remains of
9 his long lost mother.

10 Bonnie Haim was missing for 21 years,
11 11 months and 8 days. And she was buried in
12 her own backyard. All the while, her husband
13 pretended that she had run off with another
14 man and that she was a missing person all of
15 this time.

16 This December 14th, 2014, discovery
17 confirmed what common sense and the evidence
18 already told us, and once the remains were
19 positively identified to Bonnie, this
20 defendant was arrested and charged with
21 Bonnie Haim's murder.

22 Now, this is a cold case. And the vast
23 the majority of the investigation took place
24 in the early part of 1993. This trial will
25 take you back to 1993. Crime investigation

1 was very different than it is today. Think
2 about all the changes we've had. There's not
3 surveillance video everywhere in 1993.
4 People don't have cell phones unless they're
5 the giant ones. And they certainly don't
6 have GPS location to be able to track cell
7 phone movements. DNA evidence didn't even
8 exist.

9 But what we knew back in 1993 still
10 proves that this defendant killed his wife
11 because that was the only thing he could do
12 to stop her from leaving and taking his son.

13 Back in 1993, it was conclusively
14 determined that Bonnie Haim was leaving this
15 defendant. She had put deposits down on
16 apartments and found a new day care for Aaron
17 to go to. She had shared this with friends,
18 and actually, the police found paperwork
19 confirming this. In fact, after her
20 disappearance, in her post office box, a
21 postcard was delivered by -- was mailed by
22 one of the apartments she was looking at,
23 saying, hey, you came and looked at our
24 apartment. Hope you come and sign up. And
25 that was actually delivered to her after her

1 murder, when she was discovered missing.

2 Bonnie Haim, on January 6th of 1993,
3 worked like she did virtually every day. Her
4 and the defendant both worked at Bernie's
5 Tool & Fastener. Bernie Haim was this
6 defendant's biological uncle. And he and
7 Bonnie Haim worked for Bernie Haim and his
8 wife, Eveann Haim.

9 Eveann was actually one of the Bonnie's
10 closest friends in the entire world as well.
11 And Bernie and Eveann Haim were both close to
12 Michael, their nephew, as well as his wife,
13 and Eveann was very close with her. They
14 both worked for Bernie's Tools & Fastener.

15 So on January 6th, 1993, Bonnie was
16 supposed to go over to Eveann's home and
17 Bernie's home because they were working on a
18 baby shower together. And they were going to
19 plan and, I think, do some sewing, some
20 crafts for this baby shower. So Bonnie had
21 plans the night of the 6th.

22 Well, she ended up calling Eveann around
23 8:30 at night, the night of the 6th. The
24 marital problems were all coming to a head.
25 Bonnie called Eveann, crying. I'm discussing

1 my problems with Michael. I'm not going to
2 be able to come over.

3 Now, everything was okay and she assured
4 her that everything was okay. But Eveann
5 will testify about that crying phone call,
6 where Bonnie said that she and Michael were
7 having these marital problems and they were
8 discussing them and that she was crying about
9 it.

10 That was the last time anyone heard from
11 Bonnie Haim. And the only people to see her
12 after that were this defendant and her
13 three-and-a-half-year-old son Aaron.

14 He spent the rest of the night of the
15 6th killing the victim, burying her in the
16 backyard in a perfect location, driving her
17 car to the airport and then throwing her
18 purse, filled with money, credit cards and
19 other valuables away in the dumpster at the
20 Red Roof Inn at the Jacksonville airport.

21 The defendant is home and makes a phone
22 call approximately 7:00 a.m., first thing in
23 the morning. He calls in to work, the very
24 same work that Bonnie Haim works at, the very
25 same work where his aunt and uncle were in

1 charge, the very same work where his aunt is
2 essentially best friends with Bonnie. He
3 calls in to that work and says, I won't be
4 coming in today. Click. Well, Bonnie was
5 supposed to be coming in that day. In fact,
6 it was a big week for her. They were
7 installing new computer systems, and Bernie
8 Haim needed to know where Bonnie was because
9 she was doing a lot of important work for the
10 business.

11 So when Bernie Haim gets to work --
12 somebody had been there earlier to take the
13 phone call, a guy named Mike Robson. So
14 Mike -- Bernie Haim comes in and Mike Robson
15 says, yeah, Mike's not coming in today. And
16 he's like, okay, well, where's Bonnie? Picks
17 up the phone and calls Michael. Oh, yeah,
18 I'm not coming in today. Doesn't mention
19 anything about Bonnie, not a word, until
20 Bernie says, where's Bonnie? Oh, the
21 defendant says, she left last night. I don't
22 know where she is. Bernie's like, oh, okay.

23 About an hour or so later, Bernie's
24 [sic] purse is discovered by a janitor at the
25 Red Roof Inn, who was just a little bit too

1 nosy, looking into a dumpster outside in the
2 corner of the property of the Red Roof Inn at
3 the airport. What is this purse doing here?
4 And this man had the wherewithal not to take
5 all the money out of it, not to go rummaging
6 through it but to call authorities and say,
7 hey, I found a purse missing in the dumpster.
8 It's weird because there's all this stuff in
9 it.

10 The defendant is called by authorities,
11 Officer Faulk among others. Bernie Haim
12 responds. John Haim responds, the
13 defendant's father. They all go to the Red
14 Roof Inn. And Officer Faulk asks this
15 defendant, hey, what gives? Do you know
16 anything about your wife's purse being here
17 in the dumpster? Mind you, they haven't
18 found the car yet.

19 And the defendant says, oh, last night,
20 we had a fight over our marital problems.
21 She left, driving her Toyota Camry. She's
22 been depressed for some time and mentioned
23 last night that she was going to leave for a
24 couple of days.

25 He then later says, and by the way, how

1 long does it take to find a car?

2 Then later when they're going through
3 the purse, the defendant says, with no terror
4 in his voice, why does Bonnie have all of
5 that cash?

6 It wasn't until late on the night of the
7 7th that Bonnie's vehicle was found in the
8 airport parking lot. And the car appeared
9 somewhat ransacked. There were some things
10 out of place from the glove box, which police
11 took note of. But they also took note of --
12 and it was found so late at night that the
13 processing of the vehicle did not take place
14 till the morning of the 8th.

15 So the processing of -- the vehicle was
16 towed to the Florida Department of Law
17 Enforcement, which was at the time the major
18 crime lab that did processing for the
19 Jacksonville Sheriff's Office. And so Allen
20 Miller opens up the car. And you know what
21 he sees on the front floorboard, on the floor
22 mat? A whole bunch of dirt and sand. Some
23 of that sand contains what appears to be a
24 male-sized tennis shoe impression that's made
25 not only in the sand but also has been

1 impressed upon the floorboard itself, the
2 carpet. This was essentially a brand-new
3 car, so actually you could see the impression
4 in the carpet as well as made out into the
5 sand.

6 So that was a pretty good clue. The
7 police -- Allen Miller deduced, that's
8 probably not Bonnie's dirty Size 10 tennis
9 shoe that's in the front floorboard of her
10 car, where she will be putting her feet every
11 day, getting in and out, in and out, in and
12 out, in and out. That probably has to do
13 something with the killer. What they did not
14 know at the time is she was buried.

15 So at this point, police have a missing
16 woman, who her husband claims left in the
17 middle of the night, who never called police,
18 who never called any of her close friends or
19 family looking for her, who called into his
20 job, the same job where she works and never
21 even inquires about where she is, knowing
22 she's left not only him but their
23 three-year-old son who's got to get to day
24 care that day.

25 Her purse is abandoned with all of its

1 money in it at the Red Roof Inn, and they've
2 discovered a car at an airport parking lot.

3 They have a great forensic clue in the
4 form of this tennis shoe foot impression in
5 the floorboard of driver's seat of the Toyota
6 Camry.

7 And then it occurs to them, well, we
8 have the Child Protection Team. The Child
9 Protection Team's job is to interview
10 children, even ones as young as Aaron. Maybe
11 we should interview Aaron Haim, find out what
12 he knows about the case.

13 Aaron is brought to the Child Protection
14 Team on January 8th of 1993. This
15 distracted, hungry, scared little boy with a
16 missing mother is talked to by the Child
17 Protection Team. But even with all of those
18 factors, Aaron identifies to the Child
19 Protection Team, with police watching, that
20 his mother was hurt, and his father is the
21 one that hurt her.

22 While this interview was going on at the
23 Child Protection Team, this defendant is home
24 with his family and three sergeants of the
25 Jacksonville Sheriff's Office, two sergeants

1 of homicide and one sergeant of missing
2 persons. And they knew, because they had
3 talked to Allen Miller, that they should be
4 on the lookout for a tennis shoe. And they
5 actually called Allen Miller in, and this
6 defendant allowed them to look around his
7 house. Because he had a couple days to clean
8 up.

9 But anyway, he allowed them to look
10 around the house, and the police notice a
11 pair of Nike Air Advantage white tennis
12 sneakers, Size 10, in the living room under
13 the coffee table. They pick those up. And
14 what do they look at in the tread underneath?
15 Sand, sand that looks just like the sand in
16 the floorboard of the Toyota Camry.

17 And they process that Nike Air Advantage
18 shoe with the tread, and that tread generally
19 matches the tread on the Toyota Camry
20 floorboard.

21 Now, you will learn about tennis shoes
22 and they're not like fingerprints. So
23 there's not some definitive this absolutely,
24 positively is the shoe. But when you're
25 talking about Size 10 Nike Air Advantage

1 shoes that happen to be sandy on the bottom
2 and there's a sandy footprint with the same
3 tread design that matches, the police know
4 what they have.

5 That wasn't all they found. They found
6 some bundled up rugs and towels, some of
7 which smelled like bleach, and they seized
8 those, hoping to find out Bonnie's
9 whereabouts.

10 They also had a little chat with the
11 defendant. And they will tell you that this
12 defendant continued to talk about the
13 argument that the defendant and the victim
14 had the night right after Aaron was put to
15 bed, the night of the 6th. And after
16 deciding that someone would have to leave the
17 relationship, this defendant admits to these
18 sergeants that Bonnie told him, I'm leaving
19 and I'm taking Aaron with me. You can have
20 the house.

21 This defendant then later says that he's
22 sleeping, that about 11:30, 12:00 o'clock at
23 night, Bonnie apparently decides just to
24 leave in the middle of the night. He
25 corroborates the fact that Bonnie had called

1 Eveann earlier in the evening and said she
2 wasn't coming over, although he denies that
3 she was crying. And he said he didn't know
4 why the relationship wasn't working. He
5 denied any issues, denied any knowledge of
6 Bonnie seeing other men or anything like
7 that.

8 And then he also says two interesting
9 things. One is when's the last time you were
10 in that Toyota Camry, Sergeant Justice asked,
11 knowing about the print that he didn't know
12 about. When's the last time you were in your
13 wife's car, Sergeant Justice asks. Oh, let's
14 see. Today is the 8th. New Year's I think
15 is the last time I drove that car, New
16 Year's.

17 He also says to Sergeant Hayes -- they
18 actually went to the bank accounts to try to
19 see if Bonnie was making withdrawals, things
20 like that. And the defendant -- he -- the
21 defendant just says to Sergeant Hayes, I
22 loved Bonnie so much that I would drink the
23 water out of the toilet for her.

24 An interesting statement considering he
25 never called the police when she left in the

1 middle of the night and never called any of
2 Bonnie's close friends or family members.

3 Unfortunately, with all of this
4 evidence, police were stuck. Days turned
5 into weeks. Weeks turned into months. And
6 months turned into years. Bonnie left behind
7 her three-year-old son, Aaron, and no one
8 ever saw or heard from her again. Her bank
9 accounts never moved. Social security
10 numbers never moved. They did all the
11 searches you can search of to see if Bonnie
12 Haim ever appears on radar of the world again
13 and she didn't. She dropped off the face of
14 the earth.

15 Police had the same case. This
16 defendant's wife was missing and presumed
17 dead. Despite the defendant's claim the
18 victim left in the middle of the night, he
19 never called police or members of the
20 victim's family. He called into work, saying
21 he wasn't going to be there but did not
22 inquire about whether Bonnie had shown up to
23 work that day. Bonnie's purse and car were
24 found at the airport, separated, with full
25 money and credit cards in the purse,

1 indication of foul play, not of a runaway.
2 The victim's car, compelling, contained a
3 male Size 10 sandy shoe print that matched
4 the defendant's shoes. And Aaron, just
5 hours -- a day or so after his mom was
6 murdered said, my dad hurt my mom.

7 Police were stuck waiting for a miracle.
8 That miracle came in the form of Aaron
9 wanting to sell his parents' house and his
10 discovery of those remains 21 years later.
11 It was buried under their noses the entire
12 time.

13 How could police miss it? She was
14 hidden in plain sight. Now, they thought
15 there was a possibility of this being a
16 burial because no one ever found her body.
17 It's hard to get rid of a body without seeing
18 it or smelling it, so it's either buried or
19 dumped where someone can't find it. And the
20 combination of that with the sandy shoes and
21 sandy footprint, police say, ha, maybe she's
22 buried.

23 But they never expected she would be
24 buried at his home. And the police searched
25 hunting sites. They searched wooded areas

1 out by the airport, but they never looked
2 carefully at where she was. Nobody knows
3 their home like the homeowner.

4 So I told you about this outdoor shower.
5 The pool in 1993 was there. It was a very
6 nice pool, well kept, well organized. You'll
7 hear that Michael Haim -- I wouldn't call him
8 a neat freak but he's very organized. He
9 doesn't just leave things strewn around. The
10 house is in good order. The pool is in good
11 order. Chlorine, all that stuff is being
12 used. It's well decorated.

13 And there's an outdoor shower that is
14 not attached to the pool. There's no
15 concrete. And you'll see a pictures, that at
16 the time, there was essentially an
17 approximately six-foot-by-six-foot, maybe
18 even a little bit larger, wooded pallet so
19 when you would shower, you wouldn't stand in
20 the mud.

21 And actually, Bernie Haim used to own
22 this house and they had that installed. He
23 doesn't remember if he did it or paid someone
24 to do it, but Mr. Bernie Haim, the
25 defendant's uncle, had this outdoor shower

1 installed with this wooded pallet, put some
2 rocks underneath so the water would drain.
3 And you would have a place to stand and not
4 stand in the mud while you showered. This
5 pallet was removable, very easily. And it
6 provided a sufficient amount of space where
7 police wouldn't notice ground disturbance.
8 Because sometimes when you bury a person,
9 there's a big pile of dirt. Things look
10 disturbed. The police were looking for that.
11 But this is 1993 and the police just missed
12 it.

13 You'll notice the house was searched
14 briefly when they found the shoes on the 8th,
15 and they went back about two months later,
16 nine weeks later on March 17th. And they did
17 a little bit more thorough of a search, and
18 they took whole bunch of pictures. But
19 you'll see they never even got close to the
20 shower. They didn't even take a picture of
21 it that you can see clearly. So if they
22 didn't take a picture of it, it's a
23 reasonable inference that they never actually
24 searched it.

25 And while -- years later, when they're

1 trying to remember what they did on the case,
2 they're thinking about, yeah, did we take
3 dogs to the house? Yeah, I think we did take
4 dogs to the house. Well, actually, no one
5 can remember ever bringing a K-9 to the
6 house, and a review of the K-9 reports by the
7 police after the fact said there's no
8 documentation they ever brought a dog to that
9 backyard.

10 But even if they did, you'll see on top
11 of the shower in the photograph from a
12 distance that they took on March 17th,
13 actually an aerial photograph they took
14 earlier, you can see a series of chlorine
15 bottles, big yellow jugs, that are all on top
16 of the shower, basically making the shower
17 unusable because it's all cluttered with
18 these chlorine bottles.

19 So if they did bring dogs, maybe the
20 dogs just smelled chlorine, although no one
21 will come to this courtroom to say dogs were
22 ever at the house. Regardless, they missed
23 it.

24 And the other interesting thing was how
25 cluttered that part of the yard was. As I

1 indicated, the defendant's kind of a neat
2 guy. They have this large shed in the
3 backyard where all the other pool stuff is
4 kept, where all the other yard stuff is kept
5 except for the shower where Bonnie Haim's
6 body was recovered. We have four or five
7 chlorine bottles sitting there, whatever
8 that's worth.

9 As is true with cold cases, the passage
10 of time has affected many things, and police
11 practice in 1993 is very different than it is
12 today. Memories fade. Many investigators
13 and witnesses are dead. And unfortunately,
14 that body was buried for 21 years plus. The
15 bones were disintegrated. When the medical
16 examiner and the forensic anthropologist
17 would handle them as well as the evidence
18 technician that pulled her out of the
19 ground -- when the evidence technician was
20 bringing her out of the ground, he would pull
21 up clumps of dirt and crush it, go, oh,
22 that's dirt; that's not a bone, only later to
23 figure out he might have been doing -- that's
24 actual bones because they were so decomposed,
25 because the body was under the shower in a

1 very shallow grave and had basically just
2 disintegrated into dust.

3 But they did find a vast majority of the
4 skeletal remains. The medical examiner will
5 tell you that this is a homicide by
6 unspecified means, which means by looking at
7 the bones, she can't definitively tell you
8 how Bonnie died just by looking at the bones.
9 She can tell you it's a homicide based on the
10 circumstances surrounding her discovery and
11 the circumstances surrounding her
12 disappearance.

13 Obviously, people don't bury themselves
14 under a shower pallet in their backyard.
15 Someone else would have had to have killed
16 her and put her there. And that's why she
17 classifies it as a homicide.

18 But there's a couple of interesting
19 finds that we discovered in the examination
20 of the body that gives you additional
21 evidence that this was a murder. When they
22 took the body out of the ground, they
23 actually used a technique called a
24 "pedestal." So they took a large piece of
25 plywood and put it underneath her about as

1 far down as they thought she was and lifted
2 the entire body and took it to the Medical
3 Examiner's Office and says, it's yours.

4 And when they searched through that dirt
5 and those bones to try to bring out the full
6 skeletal remains of Bonnie Haim, they found a
7 .22-caliber shell casing. So a shell casing
8 is the jacket or the casing, the container of
9 a bullet that is expelled. They found that
10 in the grave.

11 Now, it was incredibly corroded and it
12 was just a small portion of it. But it was
13 a .22. And in those prior searches, it was
14 determined that the defendant had a
15 .22-caliber rifle.

16 Another interesting find was -- the
17 medical examiners have training in
18 determining cause and manner of death.
19 They're board-certified forensic
20 pathologists. But when you examine
21 skeletons, it's real hard for a medical
22 examiner because they're not forensic
23 anthropologists. They have all these
24 subspecialties.

25 They actually have, in Florida,

1 board-certified forensic anthropologists,
2 whose job is to study remains of people's
3 bones to be able to give us information. And
4 you'll meet one of the foremost experts in
5 the State of Florida. She runs the program
6 down in Florida Gulf Coast in forensic
7 anthropology. And she examined the bones and
8 she examined essentially the pelvis bone,
9 which she noticed that there was a circular
10 defect that was consistent with an injury
11 that took place during life or right at death
12 because of the nature of the break. It's
13 all, like, a spiral break. She'll explain it
14 to you better than I can. But it's circular
15 with all these little itty-bitty fractures
16 inside of the pelvic bone.

17 She says, well, I can't definitively
18 says that that's a bullet. I don't know what
19 else it could be. It happened during her
20 life. Whatever did it to her would have to
21 have gone through her body, out into her
22 pelvis. It was on the inside, not outside,
23 the inside of the bone, meaning the bone
24 closest to the organs. And it was a perfect
25 circle -- almost a perfect circle with these

1 little itty-bitty fractures inside of it, I
2 consistent with a perimortem or at the time
3 of death wound consistent with a gunshot.

4 Now, we cannot, beyond and to the
5 exclusion of every reasonable doubt, come in
6 here and tell you that the defendant shot
7 her. There's evidence to support it. And
8 the combination of that evidence with the
9 other evidence that you'll hear in this case
10 is enough to tell you that this was no
11 accident, that this was a murder.

12 The defendant's actions before the
13 killing and after the killing demonstrate his
14 depraved indifference to Bonnie Haim's life.

15 As is true with all homicide cases, the
16 victim cannot testify. Victims are sometimes
17 put on trial. These imperfections become
18 defenses. The evidence in this case is
19 Bonnie Haim was not perfect. Bonnie Haim was
20 leaving Michael and she was taking her son
21 with her.

22 But it will also come out that Bonnie
23 Haim, in the course of drifting apart from
24 this defendant and wanting to separate from
25 him, had an extramarital affair with another

1 co-worker named Curt Jolicoeur. Police found
2 out about Curt Jolicoeur very early in the
3 investigation. Mr. Jolicoeur could not have
4 been more cooperative with police in helping
5 any way that they could to help find Bonnie
6 Haim. But that's out there.

7 The evidence will not support any
8 conclusion that Curt Jolicoeur is a suspect.
9 In fact, while the defendant never asked
10 Eveann Haim, Bernie Haim, Sandra Whitting,
11 any of the close people in Bonnie Haim's life
12 where she was or whether they had seen or
13 heard from her, Curt Jolicoeur spent hours
14 with the family looking for Bonnie. He was
15 completely cooperative with the police and
16 indicated there was a possibility in his mind
17 that the defendant knew or at least suspected
18 of the affair between him and Bonnie, for two
19 reasons.

20 Mr. Jolicoeur will testify that right
21 about the time that the affair occurred --
22 mind you, it was a one-time deal. It wasn't
23 some long-standing affair. But this was
24 around the time that she was killed. At some
25 time on New Year's Eve, New Year's Day, maybe

1 a day or two after New Year's -- can't be
2 exactly sure about the date -- that the
3 defendant, just out of the blue, invited Curt
4 Jolicoeur and Curt Jolicoeur's wife over for
5 the four of them to have a meal together.
6 Curt Jolicoeur said it was a very awkward
7 meal 'cause him and Bonnie were at least
8 flirting at that point. And it was very
9 uncomfortable and it didn't make
10 Mr. Jolicoeur feel normal about it because of
11 what was going on with him and Bonnie.

12 And then he also, like every day leading
13 up to her disappearance, that first week in
14 January, the defendant is calling up Curt
15 Jolicoeur and saying, yeah, man, let's work
16 out. Why don't you come over and lift some
17 iron?

18 Curt's like, I don't know you. What are
19 you talking about? Curt Jolicoeur worked at
20 Bernie's Tool & Fastener but he was an
21 outside salesman. So he didn't spend time in
22 the office. We're not friends. That's nice
23 of you to invite me, but I don't really feel
24 like going hunting with you or working out
25 with you.

1 In hindsight, Curt's like -- told the
2 police about these things. Ah, maybe he knew
3 something. I don't know.

4 But definitively, Curt Jolicoeur, on
5 January 6th, going into January 7th was home
6 with his wife and his father. Curt Jolicoeur
7 and his wife live with his father over in
8 Orange Park, a long distance away from where
9 Bonnie Haim was murdered.

10 You're also going to hear about a
11 letter, a letter that was written,
12 typewritten, in 1996 that was sent to the
13 Florida Department of Law Enforcement
14 anonymously, no name, no return address, two
15 or three lines on the letter. Bonnie Haim is
16 in the backyard of Dolphin Avenue. Bring
17 dogs. Hurry.

18 This is where I mentioned earlier that
19 the police, in their own mind, in 1996, said,
20 yeah, didn't we search that backyard with
21 dogs? Yeah, we did. Messed up. Messed up.
22 They should have found that body in 1996
23 instead of 2014, if they had listened to that
24 letter.

25 Obviously, this defendant had confessed

1 to somebody, but to this day, we do not know
2 who that letter was written by. We do have a
3 DNA profile that we were able to discover
4 underneath the stamp, and that DNA profile
5 does not match the defendant or any close
6 family, male members of the defendant's
7 family. The DNA sample from the stamp is a
8 male, not a female. So we searched that. We
9 also searched Curt Jolicoeur to make sure it
10 wasn't him. It doesn't match him either.
11 Now, the stamp obviously could have been on
12 the letter some other time and may have
13 nothing to do with the author of the letter.
14 Who knows. Someone could say, could you mail
15 this for me? It could mean any number of
16 different things. Regardless, that letter
17 indicates this defendant told somebody.

18 While the police did not search the yard
19 in 1996, they did find renters who took over
20 the home on Dolphin Avenue from Michael Haim
21 in 2000, 2001. And the renters that rented
22 the home from Michael Haim indicated some
23 interesting things, two real interesting
24 things. One is the lease the defendant had
25 them sign says, your dog must be kept in the

1 master bedroom, which is a significant
2 distance away from where that shower is in
3 the house, when you're not home. The other
4 thing that Mr. Haim indicated was, by the
5 way, you can't do any landscaping or digging
6 in the backyard, can't change anything. They
7 didn't think anything of it. Oh, okay.

8 This letter does not change the evidence
9 that proves this defendant's guilt. In fact,
10 it shows he confessed. His motive, his
11 opportunity, what Aaron saw, this defendant's
12 behavior, the sandy shoe print, what Aaron
13 told Child Protection Team just 48 hours
14 after his mother's murder and the fact that
15 she was buried in the family backyard tells
16 you everything you need to know about this
17 case. The defendant could stop Bonnie Haim
18 from leaving but his only method was murder.

19 He could murder her. He did murder her.
20 But while some sins can be buried away,
21 they're never forgotten. The truth was
22 always out there, buried in their own
23 backyard. We're confident that when you use
24 your God-given common sense and analyze the
25 evidence in this case, the law that the judge

1 instructs that you will hold this defendant
2 accountable for what everyone knew and
3 suspected on January 7th of 1993 and find him
4 guilty of second-degree murder.

5 Thank you.

6 THE COURT: All right. Miss Warren, for
7 the defense, you may give your opening.

8 MS. WARREN: Thank you, Your Honor. I
9 would like to request at this time, we take
10 maybe a five- or ten-minute restroom break.
11 I may be quite a while, and I don't want to
12 inconvenience the jury.

13 THE COURT: We will take recess till
14 10:15.

15 MS. WARREN: Thank you, Your Honor.

16 (Jury excused.)

17 THE COURT: All right. Let the record
18 reflect the jury has left the courtroom.

19 This is our morning break.

20 So how long is your first witness, do
21 you think, Mr. Mizrahi?

22 MR. MIZRAHI: It really all depends on
23 cross. All of my witnesses are relatively
24 brief. I just don't know how long cross is
25 going to be.

1 THE COURT: We're going to shoot for
2 about 12:30ish for our lunch break. So when
3 you get back, it may be close to 1:00.

4 MR. MIZRAHI: We have enough witnesses.

5 THE COURT: This is our morning break.
6 Next break will be at lunch.

7 MR. MIZRAHI: Yes, sir.

8 THE COURT: 10:15. We're in recess.

9 (Short recess.)

10 (Defendant present.)

11 THE COURT: Ready to bring in the jury?

12 MS. WARREN: Yes, Your Honor.

13 MR. MIZRAHI: Yes, sir.

14 THE COURT: Bring them in.

15 (Jury present.)

16 THE COURT: Welcome back, ladies and
17 gentlemen. You can take your seats.

18 Miss Warren, you may give your opening.

19 MS. WARREN: Thank you, Your Honor. If
20 it please the Court?

21 THE COURT: Yes, ma'am.

22 MS. WARREN: Ladies and gentlemen, I'd
23 like to just take a moment and reintroduce
24 ourselves. This is Mr. Fallis. You met him
25 yesterday.

1 Michael stand up, please.

2 This is Mr. Michael Haim.

3 THE DEFENDANT: Good morning.

4 MS. WARREN: I'm Janice Warren and
5 together, Mr. Fallis and I represent
6 Mr. Haim.

7 Ladies and gentlemen, yesterday, you
8 heard Mr. Mizrahi say at least a dozen times
9 that the State must prove to you beyond a
10 reasonable doubt that Mr. Haim killed his
11 wife, Bonnie. Well, how does he do that? He
12 does it by evidence. And as the judge told
13 you, ladies and gentlemen, evidence only
14 comes from here. It comes from the witness
15 stand. It comes in the form of testimony
16 from witnesses. It comes in the form of
17 exhibits that you will see, pictures, pieces
18 of maybe fragments that were discovered, lack
19 of evidence.

20 In this case, the lack of evidence is
21 just as important if not more important than
22 the evidence you will hear. As Mr. Mizrahi
23 told you, this happened a long time ago,
24 26 years. People's memories fade. He said
25 police practices in '93 weren't what they are

1 now. Well, in '93, the police had to do a
2 certain job, and they had to investigate a
3 murder.

4 You're going to hear from certain
5 witnesses, and we can only anticipate what
6 they're going to say. We don't know what
7 order the State's going to call them, and we
8 don't know everything that each witness is
9 going to tell you. I can only anticipate
10 what they're going to say and tell you what
11 we think you're going to see as evidence.

12 You're going to hear from the lead
13 homicide detective. His name is Detective
14 Hinson. Detective Hinson was assigned the
15 case in '93, in January. The 9th, they found
16 the purse in the dumpster at the Red Roof
17 Inn. Homicide was called immediately.
18 Michael was their prime suspect. From the
19 beginning, the husband was the prime suspect,
20 right away.

21 I'm going to tell you what happened
22 subsequent to all of that, but I want you to
23 keep in mind that the police practices in '93
24 were what they were used to doing and how
25 they investigated. They didn't have the

1 technology of the DNA that we have now. We
2 agree with that. They didn't.

3 What did they have? And what did they
4 do in 1993 to determine that Michael was
5 their prime suspect? Did they investigate
6 thoroughly? Michael told the police the
7 minute that they found the purse. Officer
8 Faulk called Mr. Haim from the Red Roof Inn,
9 and he said, we found your wife's purse in
10 the dumpster. And right away, Michael said,
11 we had an argument last night and she left.

12 You're going to hear that testimony.
13 You're going to hear what happened when
14 Michael left the house, went to that Red Roof
15 Inn. What happened that morning? The police
16 show up. They investigate. They talk to
17 witnesses. They learn certain facts. They
18 learn from different people what they thought
19 they saw the night before. Michael said they
20 had an argument. He told the police officer
21 they were discussing their marital problems.
22 Mr. Mizrahi told you he didn't know about any
23 of this. Michael did know. The evidence is
24 going to show you that Michael was aware of
25 the marital problems for about two months.

1 They had discussed it. He knew Bonnie was
2 planning to leave. He knew he was going to
3 keep the house, and they were working on what
4 that separation and their future was going to
5 be like as a divorced couple raising their
6 three-year-old child. They discussed this.

7 And Michael was trying to explain this
8 to the police, that this is what had been
9 happening for the last two months. She was
10 not happy. He knew she wasn't happy. They
11 talked about all this.

12 So the first thing that happens when the
13 police officer at the Red Roof Inn calls him,
14 he says, we had -- we were discussing our
15 marital problems last night and she left. It
16 was not the middle of the night. The
17 evidence is going to show you it's somewhere
18 around 11:00 o'clock. After they put the
19 child to bed, the two of them are discussing
20 their future, their plans. Why are you not
21 happy? What are we going to do about this?

22 She leaves. She's driving her Camry.
23 He gets worried. He calls his mother about
24 2:00 o'clock in the morning, 3:00 o'clock in
25 the morning. She's not home. Maybe she just

1 went driving around to blow off steam. Maybe
2 she went to her friend's house. Maybe she
3 went to her mom's house, her parents. He
4 calls his mother and says, mom, can you come
5 over and stay with Aaron? I want to go look
6 for her. I'm worried. I'm concerned.

7 He gets in his mother's car. Mom pulls
8 her car into the driveway, and you're going
9 to hear that when she pulls into the
10 driveway, Bonnie's car is gone. It's not
11 there at 2:00 o'clock, 3:00 o'clock in the
12 morning. She pulls in, goes in the house.
13 He leaves to go look for her, make sure she's
14 okay. He takes the mother's car. He takes
15 his mom's car because she's blocking him in.
16 He takes off. He's not gone long. The
17 evidence is going to show you maybe
18 30 minutes, 40 minutes.

19 The evidence is also going to show you
20 what he did. He goes to her mother's house,
21 drives by to see if Bonnie's car is there.
22 It's not there. He drives around to see if
23 the car is anywhere else. He doesn't find
24 it. He comes back home.

25 They wait. They wait to see if she's

1 going to come back home or if she's going to
2 go straight to work. Nobody suspects any
3 foul play. Nobody suspects anything at this
4 point.

5 The phone call comes. And the officer
6 from the Red Roof Inn says, we found your
7 wife's purse in the dumpster. Oh, my
8 goodness. Oh, my goodness. We had a
9 discussion last night and she got upset and
10 she left. Okay. Where -- where's the Red
11 Roof Inn? The officer's going to tell you, I
12 don't remember having to give him directions,
13 but there were other people there who heard
14 it, who heard him on the phone, having to
15 tell Michael, where's the Red Roof Inn?

16 Now, this is important. And you're
17 going to see pictures. The pictures of the
18 Red Roof Inn are going to show you that it's
19 not an easy situation to get to the back of
20 the Red Roof Inn where these dumpsters are.
21 You have to go down a service road, and you
22 have to go all the way around, like this, all
23 the way to the back. The dumpsters are way
24 in the back of the Red Roof Inn. Behind
25 those dumpsters, woods, woods, woods, woods

1 and more woods, miles of woods back in '93.

2 So Mr. Haim, his parents, his aunt and
3 uncle, Bernie and Eveann that Mr. Mizrahi
4 told you about, go there. The police are
5 there. The hotel manager is there. The
6 maintenance man who found the purse is there.
7 The head of housekeeping is there. There are
8 at least three police officers, and when the
9 police officers get there, they call the
10 Department of FDLE -- Florida Department of
11 Law Enforcement evidence technicians to come
12 out. Those are the people that now they have
13 the -- or back then, they had big blue
14 trucks, FDLE. They have all their equipment.
15 They're trained in evidence collection. They
16 come to the Red Roof Inn.

17 What do they do with the purse they
18 found in the dumpster? They take the purse.
19 They take the purse to a room at the Red Roof
20 Inn. They take the contents of the purse
21 out. All these people are rummaging through
22 the purse, taking out her wallet, taking out
23 her lipstick, taking out her credit cards,
24 taking out cash. As Mr. Mizrahi told you,
25 there was a lot of cash. Why does she have

1 cash? Why does she have so much cash is what
2 he wanted to know. Why? Was she leaving for
3 a few days? Was she going to get a room at
4 the hotel? Why does she have all this cash
5 in her purse? We don't know.

6 Some things you're never going to find
7 out the answer to, ladies and gentlemen, and
8 it's not your job to solve the mystery. As
9 the State has repeatedly told you, they have
10 to prove he did it. This man sitting right
11 here, they have to prove that Michael killed
12 her. You don't have to figure out who did.
13 Don't get sidetracked.

14 At that Red Roof Inn, the contents of
15 the purse are out on the bed. Everybody's
16 rifling through it. They give it back to
17 Michael. Nobody writes down what was in the
18 purse. Nobody writes down, does an
19 inventory. Nobody says, this is how much
20 money. This is what -- credit cards. These
21 are the keys. This is the lipstick, this
22 receipt. Nobody does any of that. Her
23 checkbook's in the purse too, in there.
24 You're going to see -- I'm going to show you
25 cancelled checks that were written that day.

1 Now, this, again, is January 6th. It
2 had just turned to 1993. A lot of us at the
3 turn of a new year continue writing the old
4 year, 1992. You're going to have it. You
5 can take the evidence back with you when you
6 go into your jury room and look at it. Look
7 at the numbers. Go through the numbers on
8 the checks and you'll see the order. She had
9 been shopping.

10 The day she goes missing, on the 6th,
11 the police later find out that the young man
12 she had started her relationship with, she
13 met him for lunch. She had been to Walmart
14 that day. She picked up her son from day
15 care. She stopped and met a friend. There
16 was a relative who sees her about 7:00 or
17 7:30 that night with a white male, 25, to
18 30 years old and gives a description and even
19 tells the police that's I'm a relative of
20 Bonnie's. There's no mistake we know it's
21 not Michael so she's with this man. Her
22 friend says she'd been out shopping. She
23 went to buy stuff for the apartment that she
24 was planning on renting.

25 They don't investigate. They don't

1 investigate any of this. They assume Michael
2 killed her. None of this is important.
3 Let's not trace her steps that day. Let's
4 not see where she went or who she was with.
5 Let's not -- that's not important. That's
6 not important. So it doesn't get done.

7 They never processed the purse because
8 they think, because everybody touched it, oh,
9 that evidence is contaminated. No good.
10 We're not going to look for prints. We're
11 not going to look for DNA. Prints.
12 Fingerprint evidence back then was pretty
13 sophisticated. DNA may not have been to the
14 extent that it is today but the prints were.
15 They were able to get DNA reads. They just
16 couldn't get the details that we get today.
17 But they didn't do it.

18 So now let's go back to the Red Roof Inn
19 when they find the purse. They find the
20 purse and they say, let's check the
21 dumpsters, see if there's a body in the
22 dumpster. So FDLE goes all the way around to
23 the back dumpsters.

24 Well, while they're getting set up to do
25 their investigation of the dumpsters, the

1 maintenance man who found the purse and the
2 head of housekeeping tell the police at that
3 time, there's this man who's really
4 suspicious. Two separate people tell the
5 police this. This guy is so suspicious, they
6 have to tell the police. Police find out he
7 just checked out. He's in Room 256. That's
8 important.

9 Room 256 is on the back of the Red Roof
10 Inn, on the outside of the building. You're
11 going to see these pictures. On the outside
12 of the building are the stairs that go
13 upstairs to the rooms, the second level of
14 rooms. His room is up there, Room 256. When
15 you stand there and you look out, what do you
16 see? Dumpsters. They're right there, right
17 by where his room is. The dumpster is where
18 the purse is found. What does this guy
19 drive? He drives a truck. Attached to that
20 truck is a camper. He's from out of state.

21 Okay. The maintenance man and the head
22 of housekeeping tell the police, this man is
23 so suspicious. He leaves, checks out of his
24 room and drives on to wherever he's going.
25 Do they check his room? It's vacant. He

1 just checked out. No. Do they go upstairs?
2 Do they look for anything? No. Do they ever
3 check his truck? No. Do they ever check his
4 camper? No. Why not? We don't know. It
5 wasn't done.

6 While these people are all there
7 investigating the dumpsters, there is another
8 witness who says, I saw someone walking from
9 the Texaco, which is a gas station next door
10 to the Red Roof Inn, a woman walking,
11 1:00 o'clock in the morning, going toward the
12 Red Roof Inn.

13 Okay. So they know about that. They
14 know about all of this right then.

15 They look through the dumpster, looking
16 for a body. You're going to hear from the
17 evidence tech. I assume it's going to be
18 Mr. Miller. Mr. Miller is the same one who
19 Mr. Mizrahi told you found the footprint, the
20 husband's footprint in the wife's car. He
21 also found the husband's footprints in the
22 wife's car in the backseat, the floorboard of
23 the back.

24 While they're looking through the
25 dumpster, they take -- it's pretty full. The

1 dumpster was pretty full. You're going to
2 see pictures. They take bags -- trash bags
3 out, put them in another dumpster because
4 they're looking for a body. They don't open
5 all the bags. They're not looking for
6 evidence. They're not looking for clothes.
7 They're not looking for bloody towels.
8 They're not looking for torn clothing, a bra,
9 a ripped shirt. They're not looking for any
10 evidence of a crime. What are they looking
11 for? They're looking for a body.

12 So any of the other bags that came out
13 of all these hotel rooms or people's vehicles
14 or anybody that was there, you're never going
15 to know what was in that dumpster.
16 Evidence -- potential evidence is gone.

17 After that, they leave from the Red Roof
18 Inn, the police officers, several of them,
19 Michael Haim, his family, and they go back to
20 this house at Dolphin Avenue. They give him
21 the purse to take home. He takes the purse
22 and he goes back to his house. The police
23 come to the house, and they're going to
24 figure out, what are they going to do next?

25 And during this time, one of the

1 officers takes Michael to the bank to check
2 the bank records to see, had Bonnie made any
3 recent charges? Had Bonnie made any
4 withdrawals or charged gas or did anything?
5 They don't find anything. Nothing's done.

6 Michael, again, tells them, we were
7 having a discussion. We were talking about
8 our marital problems and she left. The man
9 has been up all night, worried about his
10 wife. He had gone out in his mother's car,
11 looking for her because he was so worried.

12 They take -- the next day, they take his
13 son, his little three-year-old son, and they
14 take him down. They ask his permission.
15 They ask his permission to take that little
16 boy down to CPT, child protective services,
17 to where they want to interview the child and
18 see what they know. And he's -- how long are
19 you going to have him? He's three years old.
20 Oh, about 45 minutes.

21 That little boy is there for six hours,
22 six hours in that room, being interviewed.
23 And you're going to hear from the woman,
24 Brenda Medders, who did the interviewing.
25 Listen to the cross examination of Brenda

1 Medders. A lot of evidence, crucial
2 evidence, comes from cross examination. Pay
3 attention. You're going to learn what
4 techniques are supposed to be used. How did
5 that interview take place? How did she get
6 that little three-year-old boy to say, Daddy
7 hurt Mommy? When did Daddy hurt Mommy? How
8 did Daddy hurt Mommy?

9 You don't know. You don't know any of
10 this. You're not ever going to know, ladies
11 and gentlemen, ever. Okay? Lack of
12 evidence.

13 While that little boy is down there
14 being interrogated for six hours, the police
15 are now back at Dolphin, this house on
16 Dolphin. They ask him, can we search? Yes,
17 absolutely. He gives consent to search his
18 house. They come in.

19 Mr. Mizrahi told you you're not going to
20 hear anybody say anything about dogs. There
21 were dogs. Here's why this is important. I
22 told you, Detective Hinson is the lead
23 homicide detective that you're going to hear
24 from. Detective Hinson was assigned the case
25 on the night of January 7th, the day they

1 find the purse. He comes to work at 4:00
2 o'clock in the afternoon. He comes walking
3 in the door at 4:00 o'clock. Oh, by the way,
4 here's your new homicide case. That
5 afternoon, homicide takes over and Hinson is
6 assigned the case. Okay?

7 So Hinson is now at -- they're all at
8 Dolphin the day of the 8th. Detective Hinson
9 is the lead homicide detective. He has a
10 team that work with him, Sergeant Japour,
11 Sergeant Hayes, Sergeant Justice. These are
12 homicide-trained detectives. Hinson had only
13 been a homicide detective for about a year,
14 but these other detectives had been there for
15 quite a while with JSO.

16 What happens? Nobody has notes. Nobody
17 writes reports. Very few officers ever write
18 a report. As a matter of fact, Detective
19 Hinson's massive reports, massive reports,
20 this thick, weren't written for almost four
21 years. Four years later, he goes back and
22 tries to write down what he remembers. And
23 what everybody told him. Is that the kind of
24 police work we have in '93? Or was that
25 Detective Hinson's police work in '93? We

1 had good police. We had bad police. Still
2 do. There are good police. There are
3 policemen that take pride in their work when
4 they do a search, and we're going to talk
5 about that in a minute.

6 But these reports are never written.
7 Nothing is put into writing for almost four
8 years. People's memories, like Mr. Mizrahi
9 told you, fade. People are mistaken. People
10 don't remember. There is such a lack of
11 evidence here because -- not only because of
12 that but because it was not memorialized.
13 Who does a police search pursuant to a search
14 warrant and does doesn't write it down? You
15 don't write down what you -- where you're
16 looking? You don't write down what you find?
17 You don't write down what you're looking for?
18 All they knew was they wanted a pair of
19 shoes.

20 I'm going to back up and I apologize. I
21 may keep doing that. Because it kind of goes
22 back and forth and all over the place.

23 So at the house after Michael says,
24 sure, search my house, please, go ahead -- he
25 wants to find his wife. He thinks the police

1 are trying to help him. He doesn't know they
2 think the husband did it.

3 So they search. They go in the rooms.
4 They take cuttings of carpet. They're
5 looking for blood. They're looking for torn
6 clothing. They're looking for evidence of a
7 struggle between him and her. That's what
8 the police are doing. They're looking for
9 anything they can get their hands on to show
10 he did it. What do they find? Towels in a
11 washing machine that smell like bleach? Who
12 doesn't wash their towels with bleach?
13 There's no blood. They send them off
14 eventually. They sent them off to be tested.
15 There's no blood. There is nothing. There
16 is no evidence of a crime.

17 You're going to hear that from the
18 detectives that are there that day. Nothing.
19 Nothing. They search his car, his car. They
20 search his work truck. Nothing. Not one
21 tiny piece of anything comes out of the
22 search on the 8th.

23 They go in the backyard. They're
24 looking for a body. That's why they're in
25 the backyard. Homicide investigates death.

1 They're looking for a body. They walk around
2 the backyard. Not one, not two, not three,
3 not four, at least five seasoned homicide
4 detectives, FDLE, the evidence technicians
5 that are trained. That's their job. Look
6 for evidence of a body. Look for evidence of
7 a crime. Look for anything that's going to
8 help them prove their case. What did they
9 find? They find nothing. They used sonar,
10 radar. They have air copters flying. They
11 do ground penetrating radar. They bring the
12 dogs. They use those dogs in all the
13 searches.

14 You're going to hear, on cross
15 examination -- the most important part of
16 this trial is cross examination. You're
17 going to hear on cross examination how
18 Detective Hinson gave orders -- I apologize.
19 Detective Hinson gave orders. Bring the
20 dogs. Search the ditch behind his house with
21 the dogs. Take the dogs out. Use the dogs
22 to search this area. They even called
23 psychics. They used psychics.

24 But they never found anything. They go
25 in the backyard. They look. There's a shed.

1 Like Mr. Mizrahi told you, in the shed, all
2 kinds of tools. Do they find shovels? Do
3 they find shovels that showed he just dug a
4 hole? No. They're looking for a pair of
5 shoes. That's what they're looking for.
6 They're main concern was we need that pair of
7 shoes to show that he drove his wife's car.
8 Of course he drove his wife's car. He tells
9 them, I think the last time was New Year's.

10 You're also going to hear testimony that
11 maybe his memory wasn't so good, and he did
12 drive it at other times. It's not unusual
13 for a husband's shoe print to be in his
14 wife's car, especially if he drove the car
15 occasionally.

16 So not only that, this is on the 8th.
17 This is the 8th of January. These dates
18 become kind of important.

19 What happens next? They find out about
20 Bonnie seeing that other gentleman. They
21 interview him. His name is Curt Jolicoeur.
22 You're going to hear from him. Curt
23 Jolicoeur's going to come in and he's -- you
24 know, he's so cooperative. Everybody's
25 cooperative. He's cooperative. They ask

1 him. He tells them. Well, Bonnie and I had
2 this one-time affair. She came on to me.
3 She was trying to pick me up.

4 We're not trying to say Bonnie was a bad
5 person. She was an unhappy married woman.
6 It happens. People have affairs. They start
7 relationships. They build friendships with
8 other people. We're not trying to say Bonnie
9 was a bad person because she had an affair
10 and she slept with Kurt or because she lied
11 to her husband about being with another man.
12 We're not saying that.

13 Why did they check Curt? Why did they
14 check his truck? He had a pager. Talking
15 about proof, ladies and gentlemen, not what
16 they think. They have to prove. Did they
17 check his pager? Back then, we did not have
18 cell phones. He had a pager. He's going to
19 tell you, Thanksgiving, she calls him on the
20 pager, fine and says, I miss you. Come on,
21 you're not having an affair, but you're going
22 to call him up and say, I miss you? They
23 want to make it sound like it was just this
24 one-time thing. Doesn't matter. Doesn't
25 matter.

1 What matters is they don't check. He
2 had a pickup truck. They knew he had a
3 pickup truck. Common sense. If she's upset
4 and she leaves the house, who's she going to
5 call? She's going to call her boyfriend.
6 Check his pager. Check his alibi. What
7 does -- where does he tell you he was that
8 night? They don't do that. Never.

9 He says, I was home with my wife. Curt
10 had only been married about two months at the
11 time he's having an affair with Bonnie.
12 Well, talk to his wife. Was she home?
13 'Cause that's what he said. They don't.
14 Check his father. I was home playing cards
15 with my father, which they come and say many
16 years later. But did they check? They
17 didn't check. That's the important thing.
18 Rule it out. Rule it out. Rule it out. If
19 all those arrows still point here, go ahead.
20 They don't rule any of this stuff out, none
21 of it. They don't verify it. Tunnel vision,
22 husband. Tunnel vision, husband, husband.
23 And that's all they saw.

24 Now what happens? March. Two months.
25 March 17th, they get a search warrant. We've

1 got to go back to the house on Dolphin.
2 We've got to go back. What are they looking
3 for now two months later, ladies and
4 gentlemen? Common sense. A body. They're
5 still looking for the body. Let's go back
6 with a search warrant this time, armed and
7 ready to find that body. They bring their
8 equipment. They bring everything. They're
9 there for hours. They go through the
10 backyard. They go around the side of the
11 house. They take pictures. And there are so
12 many pictures. You'll see them. They don't
13 find -- they don't find anything again. They
14 don't see any disturbed ground.

15 What Mr. Mizrahi was explaining to
16 you -- and he said to you, there was a
17 six-foot-by-six-foot pallet. You're going
18 to -- he said there was a
19 six-foot-by-six-foot pallet underneath the
20 shower. You're going to hear from Bernie
21 Haim. Bernie is Michael's uncle. Bernie had
22 that built or built it himself. He doesn't
23 remember. It's a long time ago, 26 years
24 ago. But he thinks and remembers it was
25 about three foot by four foot or four foot by

1 four foot. It wasn't six foot by six foot.

2 The tenants that the house was rented to
3 much, much later are also going to tell you,
4 especially the man who took up the pallet --
5 they are calling it a pallet -- who took it
6 up. He's going to tell you, oh, it was about
7 three foot, four foot. Wasn't a big
8 six-foot-by-six-foot. It was a little
9 thing -- because we don't have it, you have
10 to use your imagination -- that you stand on
11 'cause the shower came out this way. And you
12 stood on it so you weren't standing in the
13 mud.

14 In 2014, when they find the remains,
15 that pallet had already been removed. It was
16 gone. And it was gone years earlier. Okay?
17 Don't get confused that he took the pallet
18 up. Absolutely not. This is why that's
19 important. The State, I anticipate, is going
20 to say that Michael took the pallet up 'cause
21 it was there in '93. Michael took the pallet
22 up, digs a hole, buries the body, puts the
23 pallet bank and puts chlorine bottles that he
24 talked about back on the pallet. That's why
25 the police don't see it. Don't buy it.

1 Don't buy it.

2 If you moved that pallet to bury a body
3 underneath on the night of January 6th, the
4 testimony is going to show you it's raining.
5 Detective Hinson called Tim Deegan. What was
6 the weather like that night? It was raining,
7 thunderstorms, like we normally have in
8 Jacksonville. Everything's wet. Okay? If
9 he picked that pallet up, there's going to be
10 evidence. There's going to be evidence that
11 these trained police officers are going to
12 see, that the ground and the grass is
13 disturbed. Don't buy the fact -- if
14 Mr. Mizrahi and the State try to tell you,
15 oh, I took that pallet; I put it right down
16 exactly where it was, that's not -- common
17 sense tells you that's not going to happen.
18 You're going to see disturbed ground around
19 it.

20 Those chlorine bottles he says that were
21 on top of the pallet, that's why the police
22 missed it? No. They were against the fence.

23 Something very interesting about that
24 also that you're going to see in the evidence
25 are the pictures of where this is because

1 when -- the gate and the fence to go into
2 this part of the yard, if you're facing the
3 front of the house, it's on the right and
4 you'll see this. There's a gate to go in the
5 backyard. Pool's in the backyard. So when
6 you open the gate, take a few steps in, right
7 there on the side of that house, that's where
8 all this happens, right by the driveway.
9 Pull up in the driveway, open the fence, bam.
10 Right there is where it is. You'll see that.

11 Okay. So during that search warrant,
12 they did the same thing again, and now they
13 are absolutely determined to look for a body.
14 No question about it. They're going to comb
15 that backyard with fine-tooth comb. And what
16 are they going to tell you now? No, we just
17 walked around. We didn't look. We didn't
18 see any disturbed ground. We didn't go on
19 that side of the house. We ignored this. We
20 didn't look over here. Don't buy it. That
21 was their goal. Their goal on the 17th was
22 to find a body in that house. They already
23 had the shoes from what Mr. Miller told them.
24 That's very important.

25 1996, they get the letter. A letter

1 comes, like Mr. Mizrahi told you, that said
2 body's in the yard. Bring dogs.

3 They have a discussion. They don't just
4 ignore it, like he did -- like what
5 Mr. Mizrahi did. They don't do that. They
6 have a full-blown discussion and they write
7 it in the report. They actually wrote it.
8 We thoroughly searched that house, not once.
9 We thoroughly searched that backyard, not
10 once, twice. We did it with dogs. We did it
11 with sonar. We did it with radar. There was
12 nothing there. Now they want to come in here
13 and say, oh, we didn't look that good. We
14 did a cursory search. We were rushed. Don't
15 buy it. Lack of evidence. This case is
16 riddled with lack of evidence.

17 The casing. Let's talk about that. I
18 don't even know why you're going to see this,
19 that.22-caliber casing. Remember, I told you
20 the body was under this, well, pallet thing
21 by the shower. Well, after their son, Aaron,
22 did the -- the pipe broke and he's digging,
23 cracks the tarp or the plastic, whatever the
24 body's wrapped in. It rips and as he's
25 digging, he goes like this. And plastic

1 comes up and they find tons and tons of
2 plastic. They find cloth. They find rocks,
3 pebbles. They find roots, all the stuff in
4 the dirt. Well, Watson is going to tell you
5 he's in charge of that excavation, and it's a
6 very difficult excavation site.

7 Normally, what they do is they call in
8 what's called a "forensic anthropologist."
9 You're going to hear from her, Heather
10 Walsh-Haney. She works at the University of
11 Florida. She teaches. She testifies for the
12 State always. At the excavation, she's not
13 hired to come in and give expert help, expert
14 opinions, direction, instructions, not at
15 all. She happens to be up here so she stops
16 by. And she's there for about 30 minutes.
17 She doesn't give the excavators any special
18 instructions or anything on what to do and
19 how to remove these remains.

20 So Mr. Watson remembers that he learned
21 in school, take some dirt, because the
22 anthropologist may need it. Dirt is
23 important because the anthropologist uses the
24 dirt to determine several different things.
25 How long had that body been there? Where did

1 the body decay? How about decomposition?

2 What is left in the soil is just as
3 important as what is not. They don't test
4 it. They never test the soil. She's going
5 to tell you, she can't tell you if that's the
6 original burial site of these remains because
7 it wasn't done properly. She can't tell you
8 when the body was there. Body could have
9 been there in '96. Somebody else could have
10 put that body there.

11 What is equally as important is that
12 after the medical examiner did their
13 investigation of the remains that were -- and
14 soil that was taken out of the grave site,
15 Dr. Walsh-Haney takes all the bones to her
16 office so she could continue what she's
17 looking for, continue her analysis.

18 Watson's going to tell you that this
19 area here where the grave is isn't that wide
20 but they don't measure it. We don't know how
21 wide it is from where the top of what would
22 have been the head is and where the feet are.
23 We don't know. They don't measure it. They
24 don't measure how wide it comes. We don't
25 know.

1 What we do know is what Watson did in
2 2014. Watson digs -- and you'll see the
3 pictures -- eight feet, an eight-foot grid
4 this way and an eight-foot grid this way. He
5 digs this huge area. Okay? And they dig
6 another hole. If this is the house, the
7 remains are pretty close, pretty close to the
8 house, to the wall of the house. Well, they
9 come out eight feet.

10 So in that eight-foot area, they dig
11 another hole so that the excavators can get
12 in the hole and actually stand in the hole so
13 that they can take this big board and go
14 underneath the remains and slide the board
15 underneath the remains so they can lift it
16 out. And they take dirt from all this
17 eight-foot grid, send it to anthropology.
18 She's sifting and sifting and sifting. For
19 days, they do this, sifting and sifting.

20 That's where the casing came from. You
21 don't know where in the dirt it was. You
22 don't know if it was wrapped in the remains.
23 They don't say that. They say it was in the
24 dirt. Where in the dirt? Was it on the top
25 of the dirt? Was it on the level? Why is it

1 even important? Why are you going to see it?
2 The State told you just a few minutes ago
3 they can't prove beyond a reasonable doubt
4 she was shot, that she was killed with a
5 bullet. There are no bullets. There were no
6 bullets.

7 This house had been rented, several
8 different tenants, for years. They can't
9 even prove to you that casing, it was his; he
10 had anything to do with that casing. Why is
11 it coming in? Why is that important to you?
12 It isn't at all.

13 You're going to also hear testimony from
14 the medical examiner, who's a physician,
15 Dr. Stroh. Dr. Stroh is licensed or had been
16 licensed in four or five different states
17 over the years. She's been doing this now
18 almost 30 years. Her job is to determine
19 cause of death and manner of death. She's
20 going to get in here and tell you she doesn't
21 think that's a gunshot. She didn't even see
22 it. And when we showed it to her, she's
23 still not sure it's a gunshot. They can't
24 say it.

25 Use your common sense. You're going to

1 see where on the body that is. And you're
2 going to see pictures. You may even see --
3 Dr. Walsh, Heather, may bring a model. I'm
4 not sure if she will or not. It's their
5 witness. She may.

6 She's going to show you where this is.
7 It's called the "ischium," the left ischium,
8 which is your pelvic bone, just way up
9 inside. Okay? It's on the inside of your
10 body where the circular indentation is. It's
11 about this big and it's a little, tiny bone.
12 'Cause it's fragmented. Medical examiner's
13 going to tell you that this could come from
14 several different causes. Something could
15 have been pressing up against it. The bones
16 have deteriorated, that pressure could have
17 caused it. There's literature that says
18 sometimes roots grow through when you have
19 buried remains. Roots go through bones,
20 cause circular indentations. Ladies and
21 gentlemen, this is not a gunshot wound. Use
22 your common sense.

23 You're going to see the clothes. When
24 the remains are found, there's a pair of
25 sweatpants. Those sweatpants in the

1 pictures, it appears like those sweatpants
2 are on the remains. There's no holes in them
3 that show a bullet went through. There's no
4 blood. Those questions will be asked.
5 There's no evidence this was a gunshot wound.
6 Lack of evidence. Lack of evidence.

7 The medical examiner is going to tell
8 you, not all the bones are there. Probably
9 about 80 percent of the remains. Some of the
10 bones may have deteriorated. But, again,
11 you're going to be asked to use your common
12 sense when you look at this. Why would one
13 bone deteriorate, same bone, arm bones --
14 let's say arms. Why would one deteriorate
15 and the other doesn't? Use your common
16 sense.

17 So what you're going to hear testimony
18 about are what's missing. Feet are missing.
19 They're going to say, we don't know what
20 happened. Maybe they deteriorated. Maybe
21 animals ate them. Because they want to say
22 the body was there the whole time and they
23 can't. They cannot say that body was there
24 the night of January 6th, '93, after their
25 thorough searches. They can't say it.

1 But you're going to hear what happens to
2 bones after you bury a body. Do animals eat
3 them? Do they deteriorate? What kind of
4 animals? What rate do they deteriorate at?
5 What could happen to them?

6 You're going to hear that when they
7 discovered the remains, the remains were kind
8 of wrapped in plastic, a lot of plastic,
9 different kinds of plastic, black plastic,
10 white plastic, blue plastic, clear plastic.
11 There's a lot of plastic. You're going to
12 hear that there is this poncho. You may see
13 it. You definitely going to see pictures of
14 it. There is a black poncho, a rain poncho,
15 that appears to be around the top torso of
16 the remains. Sweatpants appear to be on the
17 legs, the waist and the -- you know, the
18 midsection and the legs. There are no feet.
19 There are no toes. There are fragments of
20 foot bones. They're miss -- they're in
21 complete feet.

22 They find acrylic nails. She had her
23 nails done the day she went missing. She
24 went shopping. She bought stuff. She had
25 her nails done. She went to the dry

1 cleaners. You're going to hear this.

2 Well, anyway, those acrylic nails did
3 not decompose and did not disintegrate. And
4 those acrylic nails are there. Her jewelry
5 is there too. You're going to hear that, her
6 wedding ring. We're not disputing those
7 remains were Bonnie's. They are. We're not
8 disputing that, not at all.

9 The evidence is going to show you she
10 had a broken arm when she was about ten years
11 old. That fracture is still in that bone.
12 Doctors recognize it. They identify it.
13 They took the DNA out of the molar and sent
14 that off for analysis. Came back, said,
15 that's her. We're not disputing that's
16 Bonnie's remains.

17 But in that grave, there are no shoes.
18 You're going to hear, it's customary that if
19 a body's moved, the skin sloughs off the
20 bone. The tissue, everything's gone. So
21 what happens? It shrinks. It shrinks down
22 to bone. Naturally, the shoes fall off. The
23 feet stay inside the shoes. Is it possible
24 her shoes are at first grave site? Sure it
25 is. Sure it is. They want to argue to you

1 she wasn't wearing shoes. That proves she
2 didn't leave the house. That doesn't prove
3 anything. Proof. Proof beyond a reasonable
4 doubt, yesterday a dozen times.

5 Today, again, the doctor who determines
6 how a person died is going to tell you she
7 doesn't know. I don't know how this one
8 died. There's no evidence. I can't give an
9 opinion. I have to say unspecified means.
10 That's important when you do your
11 deliberations, and you try figure out if he
12 committed second-degree murder. You don't
13 know what happened to her. You can't even
14 get to that point. They haven't proven to
15 you. They haven't proven to you how she
16 died. You need to know that. We agree she's
17 dead. We agree. We agree that's her body in
18 the backyard. But they have to prove to you
19 that he did it.

20 And when you listen to the evidence,
21 ladies and gentlemen, and when you're
22 finished, you're going to see that the lack
23 of evidence in this case far outweighs any
24 evidence they brought you. They brought you
25 all these little things. The only thing

1 that's important is can they prove he killed
2 her, and can they prove he put the body in
3 the yard? There is no evidence of either one
4 of those, nothing. What he did before, what
5 he did after. They want you to say, oh, I
6 think he did; I think he did; I think he did.
7 That's not enough. This is a second-degree
8 murder trial. That's not enough.

9 When you go in that room, ladies and
10 gentlemen, use your common sense. We are
11 confident you will find they did not prove to
12 you beyond a reasonable doubt that he killed
13 her.

14 I thank you for your time and attention,
15 and I hope you pay attention to everything
16 that goes on in this trial. Thank you.

17 THE COURT: State, call your first
18 witness.

19 MR. MIZRAHI: State calls Eveann Haim.

20 (Witness sworn by the clerk.)

21 MR. MIZRAHI: May it please the Court?

22 THE COURT: Yes, sir.

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

1 DIRECT EXAMINATION

2 BY MR. MIZRAHI:

3 Q Please introduce yourself to the jury.

4 A My name is Eveann Haim.

5 Q And where do you live, ma'am?

6 A I live -- the address?

7 Q Generally.

8 A I live on the north side of Jacksonville.

9 Q And who do you live there with?

10 A My husband.

11 Q What's your husband's name?

12 A Bernie Haim.

13 Q What do you do for a living?

14 A I'm retired.

15 Q And what are you retired from?

16 A I was an owner of Bernie's Tool & Fastener
17 and I recently retired last August.

18 Q Is that because the business has been sold?

19 A It is.

20 Q Did you work at that business with your
21 husband, Bernie?

22 A I did.

23 Q And you and your husband, Bernie, are the
24 founders of that business?

25 A Yes.

1 Q And when did you start that business?

2 A We started that business in about 1987.

3 Q What's the nature of that business?

4 A It is a tool and fastener business. We sell
5 industrial tools, fasteners, construction items to the
6 industrial construction industry.

7 Q Do you know Michael Haim?

8 A I do.

9 Q What's your relationship with Michael Haim?

10 A He is my nephew by marriage.

11 Q And so his father is Bernie's brother.

12 A Yes.

13 Q And how long have you known him?

14 A I've known him since 1977, '76, when I met
15 Bernie.

16 Q And do you see him here in court?

17 A I do.

18 Q Could you say where he is and what he's
19 wearing?

20 A He is sitting over there and he has on a suit
21 and glasses.

22 Q What color is the suit?

23 A Gray.

24 MR. MIZRAHI: Your Honor, may, at this
25 time, the record reflect the witness has

1 identified the defendant?

2 THE COURT: The record will so reflect.

3 BY MR. MIZRAHI:

4 Q When did you meet Bonnie Haim?

5 A I met Bonnie shortly after Bernie and I got
6 married.

7 Q Approximately how old was Bonnie when you met
8 her?

9 A 16, maybe.

10 Q And was she dating the defendant at that
11 time?

12 A She was.

13 Q Did they later get married upon her 18th
14 birthday?

15 A Yes.

16 Q What -- can you describe a little bit your
17 relationship with Bonnie as of the time she turned 16
18 and she grew up?

19 A We were close. We were always friends once
20 they got married. And she came to work for our
21 company. We became very close. She was, you know, my
22 best friend and we worked together daily. So we became
23 very close. We traveled together and business trips.

24 Q When -- when did Bonnie start working for the
25 business, approximately?

1 A Shortly after her and Michael got married.

2 Q When did Michael start working for the
3 business?

4 A Michael started working for the business at
5 the time of inception, when we went into business.

6 Q Was he, Michael, the defendant, a little bit
7 older than Bonnie?

8 A Yes.

9 Q Approximately how old how much older?

10 A Maybe a few years. I'm not sure.

11 Q So was he in high school when they were
12 dating, when she was 16, when you first met her?

13 A He may have been out at that point.

14 Q Did both the defendant and Bonnie work in the
15 business for the years leading up to Bonnie's
16 disappearance?

17 A They did.

18 Q Was -- who was the boss of everyone?

19 A The boss of everyone was Bernie.

20 Q And was Michael in a supervisory role over
21 his wife Bonnie?

22 A No.

23 Q So she kind of answered directly to Bernie
24 and you?

25 A Bernie was in charge of the sales and the

1 outside sales and the employees up front. I did more
2 of the corporate and the office and bookkeeping.

3 Q And what did Bonnie do?

4 A Bonnie did some bookkeeping and at the time
5 we went on computers, she became our comptroller, IT
6 tech. She was handling the computer setup.

7 Q That's kind of before IT was a job
8 description, right?

9 A Yes.

10 Q And what did Michael do in the business?

11 A At that point, he was the office manager and
12 kind of oversaw the counter and inside sales.

13 Q Do you remember when Aaron was born? Not a
14 specific date or anything. But do you remember?

15 A Yes.

16 Q Can you describe for the jury -- jury the
17 kind of mother that Bonnie was?

18 A Bonnie was a wonderful mother. She was kind,
19 loving, always took care of Aaron, did everything for
20 him, just a very doting, loving mother.

21 Q Did it come to your attention in December of
22 1992, going into January of 1993 that Bonnie was going
23 to leave Michael?

24 A Yes.

25 Q Were you supportive of her in that decision?

1 A I stood by her. I -- I was supportive in her
2 decision.

3 Q You have some hesitancy. Did you want them
4 to stay together?

5 A That wasn't my call, my judgment. I
6 supported her and her decision to leave him.

7 Q Is one of the ways you knew that she was
8 going to leave the fact you went searching for
9 apartments with her to see where she was going to take
10 Aaron?

11 A Yes.

12 MR. MIZRAHI: May I approach the
13 witness, Your Honor?

14 THE COURT: You may.

15 BY MR. MIZRAHI:

16 Q I'm showing what's been entered into evidence
17 as State's Exhibit 153. I'll ask you to look at the
18 second page of State's Exhibit 153, Miss Haim. Do you
19 recognize the signature, Eveann Haim, on that document?

20 A Yes.

21 Q And what is the purpose of you signing that
22 document?

23 MR. FALLIS: We'd renew our objection as
24 to that piece of paper.

25 THE COURT: Understood. It's being

1 overruled.

2 THE WITNESS: This was just an
3 employment verification.

4 BY MR. MIZRAHI:

5 Q Okay. You were verifying Bonnie's employment
6 for prospective apartment?

7 A Yes.

8 Q Okay. Did you actually go to these
9 apartments with Bonnie to see where she was going to
10 live?

11 A I did.

12 Q Did you also, with Bonnie, figure out what
13 day care Aaron would be going to?

14 A I don't know that she -- I don't remember
15 that. I -- I remember her inquiring about day cares.
16 I don't remember too much what day care she went to.

17 Q But the apartment she was looking at, was
18 that -- were those apartments in Orange Park?

19 A Yes.

20 Q And where was she living at the time that she
21 was going to leave?

22 A She was living in her home on Dolphin Avenue.

23 Q And where is that located in Jacksonville?

24 A That's on the north side of Jacksonville.

25 Q Where were you living at the time?

1 A Orange Park.

2 Q So she was going to be living close to you.

3 A Yes.

4 Q The house on Dolphin Avenue, whose house was
5 that before Bonnie and Michael moved in?

6 A Bernie and I owned the house.

7 Q So you ended up selling it to Michael and
8 Bonnie?

9 A We did.

10 Q Was that after their marriage?

11 A Yes.

12 Q After you sold that house, is that when you
13 moved to Orange Park?

14 A Yes.

15 Q Going to show you what's been entered into
16 evidence as State's Exhibit 2. If you touch your
17 screen, it will appear.

18 THE COURT: And, ladies and gentlemen of
19 the jury, can you see that on your screen?

20 A JUROR: Yes.

21 BY MR. MIZRAHI:

22 Q Do you have that up on your screen,
23 Miss Haim?

24 A I do.

25 Q Okay. Is that the house on Dolphin Avenue

1 that you and Bernie used to own before you sold it to
2 Michael and Bonnie?

3 A Yes, it is.

4 Q Can you see in that photograph, that aerial
5 photograph, the shower, where it was detached from the
6 pool; it was outdoor shower?

7 A Yes.

8 Q And could you circle that on your screen for
9 the jury?

10 A (Complies.)

11 Q And I have a close-up. I just want to jury
12 to be able to see the general part of where that shower
13 is located. State's Exhibit 3, is that a better
14 close-up of the outdoor shower area?

15 A Yes.

16 Q Could you describe for the jury what those
17 brown pieces are on the ground beneath the shower?

18 A That is, like, a pallet or a wood structure
19 that you stand on so the water can go through to the
20 ground over the shower.

21 Q And is that generally -- that pallet -- is
22 that pallet there when you sold the house to Michael
23 and Bonnie?

24 A Yes.

25 Q I want to turn your attention now to the

1 night of January 6th, 1993. Were you -- did you have
2 plans with Bonnie Haim the evening of January 6th,
3 1993?

4 A Yes.

5 Q What were those plans?

6 A We were planning a baby shower for a
7 coworker, and she was going to come out. And we were
8 going to do just invitations and just preparations for
9 the shower.

10 Q So she was going to come to your house?

11 A Yes.

12 Q And that was in Orange Park.

13 A Yes.

14 Q So it was a significant drive from where she
15 lived on Dolphin.

16 A Yes.

17 Q Okay. What happened before she came out?

18 A I received a phone call about 8:30. I was
19 waiting for her and received a phone call about 8:30.
20 And she was upset and crying and said that she would
21 not be coming tonight, that her and Michael was having
22 a discussion and that she would just talk to me
23 tomorrow. And I asked --

24 Q I'm sorry. Go ahead.

25 A I asked her if she was okay, if she wanted me

1 to come out there and, you know, do invitations there
2 or whatever. And she said, no, I'm just going to bed
3 and I'll talk to you tomorrow.

4 Q Did she indicate what the discussion was
5 about with Michael?

6 A No.

7 Q Can you describe for the jury how you know
8 that she was upset and crying?

9 A Well, because you could tell the wavering and
10 quivering in her voice and kind of sobbing and
11 sniffing.

12 Q What did you do as a result of that phone
13 call? Let me ask you this. I'm sorry. You said they
14 had -- did she indicate to you who the discussion was
15 with?

16 A Michael.

17 Q Just wanted to make sure that was clear.
18 Did you ever speak to Bonnie Haim again?

19 A No.

20 Q Did you ever see Bonnie Haim again?

21 A No.

22 Q What is the next thing that you learned about
23 Bonnie on January 7th?

24 A We were in Bernie's office. We were having
25 an insurance physical. We were in there and we got a

1 phone call from a police officer. And Bernie put him
2 on speaker and he knew -- we knew him. And he knew
3 Mike and Bonnie also. And he put him on speaker. So
4 he said, is Bonnie there?

5 And we said, no.

6 And he said, do you know where she is?

7 And we're like, no. She was supposed to be
8 here. She had an early meeting with -- for
9 communication, our fiber optics and she didn't show up.

10 And he said, well, I'm at the Red Roof Inn.
11 They found her purse in a dumpster and it's not looking
12 good. I think y'all should come out here.

13 Q I'm going to talk a little bit about this
14 early meeting. So approximately what time did y'all
15 receive this phone call in the business about the
16 purse?

17 A Maybe in the 8:00 o'clock hour.

18 Q And when was Bonnie supposed to be in that
19 morning?

20 A She was supposed to be in at 8:00. She was
21 coming in -- she usually got there at 9:00. She was
22 coming in early because of the meeting.

23 Q Was there also something else going on in the
24 office that was -- that you remember for that day? I
25 think you mentioned an insurance physical? Is that --

1 A We were to have -- Bernie, myself and Michael
2 were doing insurance physicals. And we were all to be
3 there early for the physical.

4 Q Was Michael there when this call was placed
5 and you received it?

6 A No.

7 Q Did you go to the Red Roof Inn?

8 A Yes.

9 Q At any point from when you hung up the phone
10 with Bonnie the night of the 6th to the morning of the
11 7th when you received that call from the police, did
12 the defendant ever call you and ask you where Bonnie
13 was?

14 A No.

15 Q Was the defendant aware of your relationship
16 with Bonnie of being one of her closest friends in the
17 world?

18 A Yes.

19 Q Did the defendant ever tell you that next
20 morning or afternoon of the 7th what happened to
21 Bonnie?

22 A No.

23 Q What happened at the Red Roof Inn with regard
24 to the purse?

25 A We got there. They had set up a room for

1 everyone. The police and Michael and his father was
2 there, and they had the purse and the contents laid out
3 on the -- on the bed. And when I walked in, I was just
4 distraught. And I'm like, Mike, what's going on?
5 Where's Bonnie? What happened?

6 And he just said, what is she doing with all
7 this money?

8 Q And how much money approximately do you
9 remember seeing?

10 A I don't know. Maybe 3- -- between 3- and
11 400.

12 Q Did you know what she doing with that money?

13 A She was just -- she would keep cash in her
14 purse for, you know, preparing to move.

15 Q Is there anything else that you remember the
16 defendant saying about Bonnie's disappearance and
17 whereabouts?

18 A He never --

19 Q Had you heard from him?

20 A He never really said anything about her
21 disappearance.

22 Q Were you upset about this discovery?

23 A Absolutely.

24 Q Later, was it your idea to get the media
25 involved?

1 A Yes.

2 Q Why was that?

3 A Because at that time, we had -- we didn't
4 know where she was. It was early. We didn't know what
5 had happened to her, if, in fact, she -- you know,
6 something happened or she left or got kidnapped or
7 whatever. And you just have to get out there and
8 plead, you know, for the public to be vigilant about
9 the surroundings and see if they saw anything or if
10 they'd seen her or just so they can be on the lookout
11 also.

12 Q During the course of you calling the media,
13 did they actually come to the Dolphin Avenue home?

14 A They did.

15 Q And was the defendant present?

16 A Yes.

17 Q And did he speak about what happened in that
18 interview? In other words -- excuse me -- did he speak
19 about what happened to Bonnie in that interview to the
20 press?

21 A He just mentioned that they'd had an argument
22 and she left.

23 Q And have you seen that clip?

24 A I have.

25 Q And does that clip fairly and accurately

1 depict what the defendant said about Bonnie
2 disappearance to the press on the 7th?

3 A Yes.

4 MR. MIZRAHI: Your Honor, at this time,
5 I would publish what's been entered into
6 evidence as State's Exhibit 152.

7 THE COURT: You may.

8 (Video playing as follows:)

9 "THE DEFENDANT: (Inaudible) just keep
10 her out where she couldn't notify me
11 (inaudible) problems but, you know,
12 nothing -- we had a few problems. But, you
13 know, nothing that would keep her out where
14 she couldn't notify me. She felt it was best
15 if she left, and I just expected her back
16 today.

17 "She just wasn't happy and she wanted to
18 leave. And I couldn't really stop her from
19 leaving.

20 (Inaudible) just keep her out where she
21 couldn't notify me."

22 (Video stopped.)

23 BY MR. MIZRAHI:

24 Q So a couple of things about that, Miss Haim.
25 The person that's sitting next to Michael Haim in that

1 interview with curly hair was you?

2 A Yes.

3 Q And you notice that Michael was wearing a
4 long-sleeve shirt. Did you notice that at the time?

5 A Yes.

6 Q I'm showing you what's been introduced into
7 evidence as State's Exhibit 1. Do you see that on your
8 screen?

9 A Yes.

10 Q And is -- the sweater behind the person, is
11 that you?

12 A Yes.

13 Q So you're holding Aaron?

14 A Yes.

15 Q Okay. Does that picture fairly and
16 accurately depict the way Aaron Haim looked and
17 appeared on January 7th, 1993?

18 A Yes.

19 Q And is that still shot from the interview
20 with the press?

21 A Yes.

22 Q In the coming days and weeks and months, did
23 you look for Bonnie Haim?

24 A Yes.

25 Q Did Bernie look for Bonnie Haim?

1 A Yes.

2 Q Did the employees of Bernie's Tool &
3 Fasteners look for Bonnie Haim?

4 A Yes, some of them.

5 Q Did you ever go out looking with Michael Haim
6 for his wife?

7 A No.

8 Q Did Michael Haim ever volunteer to go with
9 you on any of these searches?

10 A No.

11 Q Did you go to the Child Protection Team on
12 January 8th, 1993, with Aaron as well as his
13 grandmothers?

14 A Yes.

15 Q Did you see a situation where it was
16 discussed that the police needed the keys to Bonnie
17 Haim's Toyota?

18 A Yes.

19 Q And in your memory, who had those keys?

20 A Carol Haim.

21 Q And Carol Haim is who?

22 A Michael's mother.

23 Q Did you -- did that strike you as unusual?

24 A Yes.

25 Q Why?

1 A Because her and Bonnie were not close. They
2 hadn't been seeing each other in the recent past, and
3 she had no reason to have her keys.

4 MR. MIZRAHI: May I approach the
5 witness, Your Honor?

6 THE COURT: You may.

7 BY MR. MIZRAHI:

8 Q I'm showing you what's been entered into
9 evidence as State's Exhibit 156. Can you describe for
10 the jury what is the photograph on the key chain?

11 A It appears to be Aaron at his day care, day
12 care school picture.

13 Q And what's on the back of the key chain?

14 A It's the day care name and phone number.

15 MR. MIZRAHI: May I publish, Your Honor?

16 THE COURT: You may.

17 (State's Exhibit No. 156 published to the
18 jury.)

19 MR. MIZRAHI: That's all the questions I
20 have, Your Honor.

21 THE COURT: Cross?

22 CROSS EXAMINATION

23 BY MR. FALLIS:

24 Q Good morning, Miss Haim.

25 A Good morning, Mr. Fallis.

1 Q Miss Haim, Michael was never -- can you hear
2 me okay?

3 A Yes.

4 Q Okay. Michael was never invited to any of
5 those searches, was he?

6 A I don't know if he was invited.

7 Q Okay. Would Bernie Haim know whether he was
8 invited or not?

9 A The police -- it was a police search.

10 Q Okay. So you don't know whether he was
11 invited. Is that your testimony?

12 A I don't know. I didn't instigate the
13 searches. The police, every day, would say, we're
14 searching this spot this day. And normally the people
15 that were there, say, day one, would go to day two and
16 be the same group.

17 Q Well, Michael was not working at the time
18 when you-all were organizing these searches from the --
19 from your place of business, isn't that correct?

20 A They were not organized from our place of
21 business.

22 Q Were your employees -- didn't you leave --
23 let employees off your work of business for them to go
24 out and do searches?

25 A Yes.

1 Q Okay. So that's what I'm referring to.
2 Michael wasn't there. He wasn't (inaudible) at the
3 time when all your employees went out to do the search,
4 was he?

5 A He was not there.

6 Q You don't know if he -- so he would not have
7 been aware, if he wasn't there, that, quote, the people
8 from Bernie's Tool & Fastener were going out to do a
9 search, would he?

10 A I'm not sure what he knows.

11 Q Well, somebody would have to notify him,
12 would they not?

13 A Yes.

14 Q Okay. And you didn't, correct?

15 A No.

16 Q And you don't know whether your husband,
17 Bernie, did either, do you?

18 A I don't know.

19 Q You don't know if he was purposefully not
20 invited. Do you know if he was purposely not invited?

21 A I do not know.

22 Q Isn't it true, ma'am, that you and your
23 husband immediately, that night, suspected Mr. Michael
24 Haim of foul play?

25 A Yes.

1 Q And it was in your mind and your husband's
2 mind and -- as a matter of fact, you confronted --
3 either you or your husband confronted him and said, we
4 know you did something to her. Confess.

5 And immediately, probably not even an hour
6 after they found the purse did you confront him and
7 tell him that.

8 A I did not.

9 Q Well, do you know if your husband did?

10 A I don't know what he did.

11 Q So -- now, you said that, quote -- you said
12 she was crying. Isn't it true, ma'am, you thought that
13 she might have been crying as opposed to, quote,
14 crying?

15 A I don't know the difference between -- when
16 she called, she was upset. Her voice was raspy. She
17 was sniffing.

18 Q She hadn't told you she was having a fight
19 with her -- with her husband, did she?

20 A She said they were having a discussion.

21 Q Correct. And she may have sounded distressed
22 to you, right?

23 A She was upset, yes.

24 Q Is that a good way of characterizing it, that
25 she sounded distressed?

1 A She sounded as if she was crying.

2 Q Once again, do you recall giving some
3 testimony in the case back on March 13th of this year?

4 A Yes.

5 Q Giving a deposition? Okay.

6 And you remember Mr. Mizrahi was there,
7 right?

8 A Yes.

9 Q And it was under oath, just like we are
10 today.

11 A Yes.

12 Q You remember being asked this question and
13 giving this answer? Question: I want to understand
14 what you mean by crying. Was she actually crying and
15 sobbing or -- you said she had been crying. And I
16 don't know what you're trying -- I'm trying to discern
17 difference.

18 Answer: I think she was crying. In my
19 opinion, I think she was crying.

20 Do you recall giving that -- being asked that
21 question and giving me that answer?

22 A Yes.

23 Q Is that your testimony today?

24 A Yeah. In my opinion, she was crying. She
25 seemed to be sniffling, her voice raspy.

1 Q Now, you also asked her if you wanted her --
2 if she needed you to come out there, meaning to go see
3 her, correct?

4 A Yes.

5 Q And she said that she was fine, isn't that
6 true?

7 A She said, that's not necessary. I'm fine.
8 I'll see you in the morning.

9 Q Okay. Now, that interview with the press,
10 that was something that you had arranged, correct?

11 A Yes.

12 Q And Michael gave you full permission to do
13 that, and he had no objections with you doing that, did
14 he?

15 A I don't know if he had objections or not. I
16 told him we needed to get the press out here.
17 Originally, they said it wasn't necessary and I said,
18 I'm calling them.

19 Q I'm sorry who said what?

20 A We were going to call the press.

21 Q We, meaning who?

22 A Everyone involved probably and --

23 Q Including Michael?

24 A Yes. And he said, I don't think that's
25 necessary.

1 And I said, well, we've got to get out the
2 fact that she is missing.

3 Q Okay. Who did you say --

4 A We have to let the public know.

5 Q I'm sorry, ma'am. I didn't mean to interrupt
6 you.

7 Who did you say didn't think it was
8 necessary? I didn't get that part.

9 A Michael.

10 Q Michael told you he didn't think it was
11 necessary?

12 A And his mother was there and they said, we
13 don't think that's necessary.

14 Q Now, you're talking about Michael or his
15 mother?

16 A I don't know who was in the room. I mean, I
17 don't know which one. But in a conversation of
18 numerous people, that's what was said.

19 Q This was done in Michael's house was it not?

20 A It was.

21 Q So Michael would have to give permission for
22 you to invite the press, would he have not?

23 A You would think.

24 Q Well --

25 A I don't know. I don't know if he gave

1 permission or if we just said we were going to do it
2 and it just happened.

3 Q And you're telling me that you have a right
4 to invite anybody you want to Michael's house without
5 his permission? Is that what you're testifying to?

6 A No. I didn't say that at all.

7 Q Is that what you're implying?

8 A No, not at all.

9 Q Okay. Ma'am, just -- what I'm trying to get
10 at is that Michael did not object to your inviting the
11 press, did he? He actually allowed it, did he not?
12 And he participated, did he not?

13 A Yes, he did.

14 Q Okay. Now, you were over at the CPT, this
15 conversation about the keys. Okay? Now, you weren't
16 there by yourself, were you?

17 A No.

18 Q You were there with Bonnie's mother,
19 Mrs. Pasciuto, correct?

20 A Yes.

21 Q And Michael's mother -- right? -- Miss Carol
22 Haim.

23 A Yes.

24 Q Now, you're saying that Carol Haim was the
25 one that gave the -- the keys to Bonnie's vehicle to --

1 to law enforcement. Is that what your testimony was?

2 A Yes.

3 Q Now, this is 20-some odd years ago. And do
4 you know that they were there to ask Miss Pasciuto for
5 the keys? Did you hear them ask Miss Pasciuto for the
6 keys?

7 A I did not.

8 Q Well, you know (inaudible) permission to go
9 there and ask Miss Pasciuto and not Miss Haim.

10 A I don't know what their intention was.

11 Q So do you think perhaps thinking about this,
12 because you've haven't mention this for over 25 years,
13 maybe that your memory is not as good as it might have
14 been back 25 years ago when you said who, in fact, gave
15 the keys to the police?

16 A I think my memory is just as good.

17 Q Just as good --

18 A Because -- because I said that early on.

19 Q Ma'am?

20 A Now, whether -- I said that early on,
21 Mr. Fallis.

22 Q Ma'am, there's -- can you tell me where you
23 said that? Was there a record that is saying that?

24 MR. MIZRAHI: Objection, Your Honor.

25 This is improper cross examination.

1 THE COURT: Overruled.

2 MR. MIZRAHI: Counsel's testifying.

3 THE COURT: Well, he can ask the
4 question. Overrule the objection.

5 BY MR. FALLIS:

6 Q Can you tell us where it is that you've made
7 that -- that statement previously, where it's either
8 been recorded --

9 A I have mentioned to different detectives.

10 Q You have?

11 A And police early on in the case.

12 Q Tell me who the detectives were that you
13 mentioned it to, ma'am?

14 A Maybe Detective Hinson.

15 Q Maybe Detective Hinson?

16 A Well, if that -- I'm not real familiar with
17 the names of the detectives.

18 Q Well, if you had said it to a detective
19 previously, ma'am, he certainly would have made note of
20 that, would he not?

21 MR. MIZRAHI: Objection, Your Honor,
22 calls for speculation.

23 THE COURT: Sustained.

24 BY MR. FALLIS:

25 Q Do you know if they made note of it?

1 A I do not know.

2 Q But you're sure that you had mentioned it to
3 detectives.

4 A Yes.

5 MR. FALLIS: Okay. Thank you.

6 One moment.

7 No other questions, Judge.

8 THE COURT: Any redirect?

9 MR. MIZRAHI: Yes, sir.

10 REDIRECT EXAMINATION

11 BY MR. MIZRAHI:

12 Q Miss Haim, defense counsel asked you on cross
13 examination if you suspected Michael Haim from the very
14 beginning, a few hours after you discovered Bonnie's
15 disappearance, and your answer was yes you did.

16 A Yes.

17 Q Why?

18 A Because they did not have a good
19 relationship.

20 MR. FALLIS: Objection at this point,
21 Your Honor. That calls for speculation on
22 her part.

23 THE COURT: On that ground, overruled.

24 MR. FALLIS: Well, the relevancy of her
25 of her -- of her opinion, Your Honor, is not

1 relevant.

2 THE COURT: Overruled.

3 BY MR. MIZRAHI:

4 Q You can answer. Why did you think that?

5 A Because they have had fights in the past,
6 arguments. She was leaving him. She -- she -- it was
7 just -- they were not -- it wasn't a good relationship.

8 Q Was -- did you ever believe that Bonnie would
9 a leave her three-year-old son behind?

10 A No.

11 Q Was it in character or out of character for
12 her to leave her home in the middle of the night?

13 A No. It was very out of character.

14 Q Did you also take into account the
15 defendant's demeanor during the course of that first
16 few hours after her disappearance, how the defendant
17 was acting?

18 A He was very quiet.

19 MR. MIZRAHI: That's all the questions I
20 have.

21 THE COURT: All right. May this witness
22 be excused?

23 MR. MIZRAHI: Yes, Your Honor.

24 MR. FALLIS: Yes, Your Honor. However,
25 the rule is still invoked as far as --

1 THE COURT: So she's not excused?

2 MR. FALLIS: She's -- she's not excused.

3 THE COURT: All right. You're free to
4 leave the courtroom but you're not excused
5 from possibly being a witness.

6 MR. FALLIS: Correct.

7 THE COURT: So don't talk about your
8 testimony with anybody else. Okay?

9 THE WITNESS: Yes, sir.

10 THE COURT: Thank you, ma'am.

11 (Witness excused.)

12 THE COURT: State, call your next
13 witness.

14 MR. HEAVENER: Your Honor, the State
15 would call Mr. Michael Robson.

16 (Witness sworn by the clerk.)

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

19 THE COURT: Yes, sir.

20 MICHAEL DAVID ROBSON,
21 having been produced and first duly sworn as a witness
22 on behalf of the State, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. HEAVENER:

25 Q Sir, would you tell us your name?

1 A Michael David Robson.

2 Q And, Mr. Robson, where do you live?

3 A 4817 Yacht Club Road, Jacksonville, Florida.

4 Q How long have you lived in Jacksonville,
5 Florida?

6 A Most my life, probably other than 14,
7 15 years of my life.

8 Q Okay. And where do you currently work?

9 A I work for Colony Hardware, which just
10 recently acquired Bernie's Tool & Fastener.

11 Q How long have you -- so Colony Hardware is
12 the current name, but it used to be called "Bernie's
13 Tool & Fastener"?

14 A Yeah. For 30 years, it was Bernie's Tool &
15 Fastener.

16 Q How long have you worked for Bernie Tool &
17 Fastener?

18 A I've worked for him ever since October of
19 '88.

20 Q October of 1988?

21 A 1988, yeah.

22 Q Is that over 30 years?

23 A About 30 years, yeah.

24 Q Okay. Tell us a little bit about the
25 company. What's been your progression in the company?

1 A Well, I started working there as a
2 salesperson for a year. And after I did that, we
3 opened the store in St. Augustine, and I went down
4 there and ran that store for about a year and then came
5 back and worked in the store in Jacksonville on Highway
6 Avenue. And I've been there ever since.

7 Q Okay. Explain the business for the jurors.
8 What does it do?

9 A We sell construction supplies to job sites.
10 We sell fasteners, tools. We're -- we mainly deal with
11 contractors.

12 Q And I'm going to mention the name Michael
13 Haim. Are you familiar with that name?

14 A Yes.

15 Q How do you know the name Michael Haim?

16 A Well, he was my manager at the store. Bernie
17 was the owner and the salesperson. He had some
18 interest in the company, and I dealt with him every
19 day.

20 Q Okay. And if you saw Michael Haim in the
21 courtroom today, would you be able to identify who he
22 is?

23 A Yes, I would.

24 Q All right. Do you see him here today?

25 A Yes. He's sitting right there in the blue

1 shirt and blue tie, on the end.

2 Q Does he have anything on his face?

3 A He's got glasses.

4 MR. HEAVENER: Your Honor, I would
5 request the record reflect the identification
6 of the defendant.

7 THE COURT: The record will so reflect.

8 BY MR. HEAVENER:

9 Q So let me take you back, sir, if I could, to
10 the December 1992/January 1993 time frame. Can you
11 tell us what your job was with the company at that
12 point?

13 A I was the assistant manager. I was basically
14 Mike's right-hand guy that would -- if he needed help
15 with something, he would get me to do it. Or I would
16 just find problems that needed to be addressed and take
17 care of them and get with him and get his approval and
18 just take care of whatever needed to be taken care of.
19 I was in sales. Everybody was in sales. We were real
20 busy at the time so --

21 Q And are you familiar with a woman named
22 Bonnie Haim?

23 A Yes, I am.

24 Q And how do you know Bonnie Haim? How do you
25 know that name?

1 A She worked there. She worked in the office.
2 There was three girls in the office that took care of
3 the accounting.

4 Q And who were those?

5 A It was Eveann Haim, Bonnie Haim and Deedra
6 Jarrell.

7 Q What -- what kind of friendship existed
8 between Eveann Haim and Bonnie Haim?

9 A They were real close. They pretty much knew
10 everything about anything that they did.

11 Q And tell us, if you can, if you can recall
12 the routine habits or practices of Michael Haim and
13 Bonnie Haim with regard to how they would come to the
14 office. Would they drive together or would they drive
15 separately?

16 A No. They never drove together. They always
17 drove separately. Basically, we started early in the
18 morning, 6:15, 6:30. We were at the store, starting
19 our usual business that we had to do. And he would
20 always get there somewhere in that time period. And
21 she would come in later. 8:00 o'clock would be a
22 normal time for her to get there.

23 Q So do you recall what kind of cars Bonnie
24 Haim and Michael Haim drove?

25 A Yeah. Mike always drove a truck. It was --

1 basically, we drove the delivery trucks home. Most of
2 the salespeople had a delivery truck that we drove
3 home. And that's what he came in every day. That's
4 what I came in every day basically. And Bonnie always
5 drove her car.

6 Q And do you recall what kind of car she had?

7 A Her car, the last car she had when she was
8 there was the Toyota Camry.

9 Q Let me show you State's Exhibit 139 in
10 evidence.

11 Do you see that on the screen in front of
12 you?

13 A Yes, I do.

14 Q Whose car is that?

15 A That would be Bonnie's car.

16 Q And let me show you State's Exhibit 149 in
17 evidence. Whose car is that?

18 A And that would be the truck that Mike drove.

19 Q Do you know if Michael Haim and Bonnie
20 Haim -- did they have children?

21 A They did. They had a son.

22 Q What was that son's name? Do you recall?

23 A Aaron.

24 Q And do you recall what their routine was with
25 regard to child care for Aaron while they were working?

1 MR. FALLIS: Objection, Your Honor.

2 THE COURT: State your objection.

3 MR. FALLIS: Area of inquiry here --

4 THE COURT: What's the --

5 MR. FALLIS: -- what their routine was.

6 THE COURT: What's the --

7 MR. FALLIS: Predicate, how he knows

8 what their routine is.

9 THE COURT: It's overruled.

10 BY MR. HEAVENER:

11 Q Do you recall what their routine was
12 regarding child care?

13 A Well, basically, Bonnie would take the son to
14 the day care or wherever she took him before she came
15 into work, and she would be the one to pick him up when
16 she left work.

17 Q All right, sir. Do you recall Bonnie Haim
18 the -- the day she went missing?

19 A Yes, I do.

20 Q What time did you get to Bernie Tool &
21 Fastener Company that morning?

22 A Probably somewhere around 6:30. And I opened
23 the store because obviously, Mike wasn't there that
24 day.

25 Q Okay. Was Bonnie there that day, that

1 morning, when you opened the store?

2 A No. She would never really be there that
3 early in the morning on a normal day anyway but --

4 Q After you opened the store on January 7th of
5 1993, did you receive a telephone call from Michael
6 Haim that morning?

7 A Yes, I did. Somewhere around 7:00, he
8 called.

9 Q Did you recognize his voice?

10 A Yeah.

11 Q And before you tell me what he told you, what
12 did his voice sound like on that phone call, 7:00 a.m.,
13 January 7th, 1993?

14 A It was a tired voice, just kind of a -- just
15 a slow speaking voice kind of. That's what I remember.

16 Q Had you been around him in the past when he
17 was tired?

18 A No. He usually had a lot of energy.

19 Q Okay. But this morning, he sounded tired?

20 A Yeah.

21 Q And what did he tell you in this tired voice?

22 A He said that he would not be coming in to
23 work that day.

24 Q How long did the phone call last?

25 A It didn't last long because basically, he --

1 he just said he wasn't coming in and he was my boss.
2 I'm not going to ask him too many questions, you know,
3 so --

4 Q What, if anything, did he ask you about
5 whether Bonnie Haim was there at the office?

6 A He asked no questions about her at all.

7 Q What, if anything -- did he ask you whether
8 you had seen Bonnie Haim's car?

9 A No. He didn't ask me any questions like
10 that.

11 Q What, if anything, did he ask you about
12 whether you had spoken with Bonnie Haim on the
13 telephone?

14 A No. He didn't ask me anything like that
15 either.

16 MR. HEAVENER: No further questions.

17 THE COURT: All right. Cross?

18 CROSS EXAMINATION

19 BY MR. FALLIS:

20 Q Sir, what time did you say this phone call
21 was?

22 A Somewhere around 7:00.

23 Q 7:00 in the morning, correct?

24 A Yeah.

25 Q Okay. Now, isn't it true that Bonnie Haim

1 did not usually get there till about 9:00 a.m., not
2 8:00 a.m.?

3 A In between 8:00 and 9:00. I mean, she didn't
4 really have any set hours.

5 Q Well, wouldn't Miss Eveann Haim know better
6 than you when Bonnie Haim was required to be at work?

7 A She was her boss. Yes, she would.

8 Q And if she says she would start at 9:00, then
9 I guess we could pretty much bank on that, that
10 9:00 o'clock was her starting time, correct?

11 A Somewhere around there.

12 Q Now, you said 7:00 o'clock in the morning, he
13 sounded very, very tired, correct?

14 A That's what it sounded like to me, yes.

15 Q Did he tell you why he was tired? Had he
16 told you that he was up all night?

17 A Not that I can recall.

18 Q You don't recall him telling you that he was
19 up all night?

20 A No.

21 Q You said he was your boss. You weren't going
22 to ask him any questions, right?

23 A Yes.

24 Q Is that right?

25 Okay. Now, do you feel he was obligated to

1 tell you or ask you any questions as to where -- about
2 his wife at that time?

3 A I can't tell you what he's required to ask.

4 Q Well, for some reason, the State just asked
5 you, did he ever ask about his wife; was she there at
6 7:00 in the morning. I mean, it would have been very
7 strange for his wife to be there at 7:00 in the
8 morning, wouldn't it?

9 A It would have been.

10 Q Okay. And whether she had called or seen
11 you, it would be out of the ordinary if she would have
12 called or come by at 7:00 in the morning, isn't that
13 true?

14 A It would have been out of the ordinary.

15 Q So your answer to the State as to he never --
16 never asked about her, whether she was there or not or
17 whether she called, I mean, really doesn't make any
18 sense in this context, does it?

19 MR. HEAVENER: Objection, Your Honor.

20 THE COURT: Sustained.

21 BY MR. FALLIS:

22 Q In the context that you're talking about,
23 his, quote, lack of inquiring about his wife being
24 there, wouldn't make any sense for him to ask that his
25 wife be there if that was not, quote, routine, isn't

1 that true?

2 A I don't -- I don't really know.

3 Q You don't know?

4 MR. FALLIS: Thank you, Judge. No
5 further questions.

6 THE COURT: Redirect?

7 MR. HEAVENER: Nothing, Your Honor.

8 THE COURT: May this witness be excused?

9 MR. HEAVENER: He may for the State,
10 Your Honor.

11 THE COURT: Mr. Fallis, may the witness
12 be excused?

13 MR. FALLIS: I'm sorry, Your Honor.

14 THE COURT: May this witness be excused?

15 MR. FALLIS: Oh, yes, sir.

16 THE COURT: Thank you, sir. You're
17 excused.

18 (Witness excused.)

19 THE COURT: State, call your next
20 witness.

21 MR. MIZRAHI: State calls Bernie Haim to
22 the stand.

23 (Witness sworn by the clerk.)

24 MR. MIZRAHI: May it please the Court?

25

1 THE COURT: Yes, sir.

2 BERNARD ERWIN HAIM,
3 having been produced and first duly sworn as a witness
4 on behalf of the State, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. MIZRAHI:

7 Q Please introduce yourself to the jury.

8 A I'm Bernard Erwin Haim, known as Bernie.

9 Q Just pull the microphone a little bit closer
10 and make sure everyone can hear you.

11 Mr. Haim, what do you do for living?

12 A I work for a company called "Colony
13 Hardware."

14 Q Is that company formerly known as Bernie's
15 Tool & Fastener?

16 A It is, yes, sir.

17 Q Are you Bernie?

18 A I am.

19 Q Okay. And how did you start that company?

20 A I started it out of the trunk of my car back
21 in 1987 and was in business for 31 years.

22 Q And did you just recently sell it to Colony
23 Hardware?

24 A I did.

25 Q And how much longer do you have to stay on?

1 A Four more months.

2 Q And then the business will be theirs?

3 A It's theirs now.

4 Q So you're just helping with the transition?

5 A Yes, sir.

6 Q Okay. And who worked at that business with

7 you for those 30 years?

8 A Who?

9 Q Yes.

10 A Several people -- my wife, Eveann; Michael

11 Haim; and about 35, 40 other people.

12 Q I guess my point, your wife helped start that

13 business?

14 A Yes, she did.

15 Q You two worked together in that business for

16 over 30 years?

17 A Yes, sir.

18 Q Okay. And who is Michael Haim?

19 A He's my nephew.

20 Q And I assume --

21 A My brother's son.

22 Q -- you've known him since birth?

23 A Pardon me?

24 Q I assume you've known him since your birth --

25 his birth? I'm sorry.

1 A Yes.

2 Q And he's your brother John's son.

3 A Yes.

4 Q And did you hire him into your business?

5 A Yes, I did.

6 Q Did your brother John, the defendant's father
7 work, in that business?

8 A I don't believe he did, no, sir.

9 Q And just for record purposes, do you see
10 Michael Haim here in court?

11 A Yes, sir.

12 Q Would you say where he's seated and what he's
13 wearing?

14 A I'm sorry?

15 Q Could you say where he is and what he's
16 wearing?

17 A He's wearing blue shirt and a tie.

18 Q What color is his suit?

19 A His suit is either gray or blue.

20 MR. MIZRAHI: Your Honor, at this time,
21 may the record reflect the witness has
22 identified the defendant?

23 THE COURT: The record will so reflect.

24 BY MR. MIZRAHI:

25 Q Back when the defendant was employed with

1 you, was your relationship with him good?

2 A Somewhat, yes, sir.

3 Q Were you his boss?

4 A Yes, sir.

5 Q Did you entrust the management of your
6 company to him?

7 A Yes, sir.

8 Q And so did he help build that company into
9 what it is today?

10 A He -- he helped build it at the time, yes,
11 sir.

12 Q When did you first come to know Bonnie Haim?

13 A She was dating Mike and she was still in high
14 school, couple years before we decided to hire her,
15 yes, sir.

16 Q And did you hire her after she got married to
17 Michael?

18 A I don't remember. Sorry.

19 Q That's fine. So you don't remember if you
20 hired her just before they got married or just after.

21 A Don't remember.

22 Q But was your hiring of Bonnie Haim due to the
23 fact that Michael Haim was with her?

24 A Not really. She was a real intelligent girl.

25 Q I -- I know but she would not have been

1 associated with the business but for Michael Haim.

2 A Oh, yes, that's correct.

3 Q Okay. Because Michael was already working in
4 the business.

5 A Yes, sir.

6 Q Okay. And I'm sure that you learned that she
7 was intelligent and bright?

8 A Yes.

9 Q And you gave her responsibilities within your
10 business.

11 A Yes, sir.

12 Q What were those responsibilities?

13 A She worked -- she did a lot of bookkeeping,
14 and she also did some Internet work. We were getting
15 computers.

16 Q Did you know Aaron Haim?

17 A Yes.

18 Q Do you remember when he was born?

19 A Yes.

20 Q Could you describe for the jury the kind of
21 mother that Bonnie Haim was?

22 A She was a wonderful mother. She -- she
23 really went out of her way to make sure Aaron had
24 everything he needed to have. She was very good.

25 Q And were you flexible on her taking care of

1 Aaron even though she was working with you full-time?

2 A Yes.

3 Q Did Aaron always come first?

4 A With her, yes.

5 Q Did you used to own the house on Dolphin that
6 Bonnie and Michael eventually bought?

7 A Yes, sir.

8 Q And do you remember the outdoor shower area?

9 A Yes, sir.

10 Q And the jury already knows a little bit about
11 it but I want to show you. Is it on your screen? Do
12 you see --

13 A Yes.

14 Q I'm going to show you what's been entered in
15 evidence as State's Exhibit 3. Can you show and circle
16 with your finger the area of the outdoor shower that
17 you installed in your house before Bonnie and Michael
18 purchased it?

19 A (Complies.)

20 Q And can you describe for the jury what that
21 is?

22 A It was some two-by-six -- at the time that I
23 built it, it was two-by-six pressure treated wood up
24 against the house in back and had rocks, pebble rocks,
25 underneath it.

1 Q And what was the purpose of the rocks?

2 A So when -- if someone took a shower, water
3 wouldn't just go everywhere. It would stay in one area
4 and not just make big puddles there.

5 Q And did the -- was the pallet, like, above
6 the ground so you'd be staying on the wood and not the
7 dirt?

8 A Yes.

9 Q Do you remember if you actually built that
10 with your own hands or whether you hired someone to do
11 it?

12 A I don't remember. I really don't.

13 Q Was that a permanent fixture? In other
14 words, would it be easy to remove that pallet?

15 A Yes.

16 Q It would be easy to remove it?

17 A Well, you would have to take the wood up,
18 yes. You'd have to pry it away because it was all
19 boxed in and up against the house.

20 Q But other than just prying it and lifting it
21 up, it wasn't fixed with concrete or anything like
22 that.

23 A Correct, no.

24 Q So you could -- you could lift it up and put
25 it back in place relatively easily.

1 A Yes.

2 MR. FALLIS: Objection. That was
3 leading, Judge.

4 THE COURT: Overruled.

5 BY MR. MIZRAHI:

6 Q When you -- we can see a little bit closer in
7 State's Exhibit 4. Let me hit the eraser button. We
8 see there, Mr. Haim, a series of stuff piled up. It
9 looks like yellow bottles. When you were the owner of
10 that house, did you keep the pool chemicals on the
11 shower?

12 A No, sir.

13 Q Where did you keep the chemicals?

14 A We kept them in the back by the shed, in the
15 backyard.

16 Q And was there a large shed in that yard where
17 you could keep things like that?

18 A Yes.

19 Q Might as well show that to the jury while
20 we're here. I'm showing you what's been entered into
21 evidence as State's Exhibit 37. Is that going to be a
22 fair and accurate depiction of the shed that was in the
23 backyard when you sold it to Bonnie and Michael Haim?

24 A Yes.

25 Q I want to turn your attention to January 6th,

1 going into January 7th of 1993. First, before
2 January 7th of 1993 happened, were you aware of
3 anything unusual going on with the defendant that would
4 not make him appear to work on the 7th? In other
5 words, he told you, I'm not coming in tomorrow, or
6 anything like that?

7 A No.

8 Q So you thought January 7th was going to be a
9 normal workday.

10 A Yes, sir.

11 Q What happened when you got to work?

12 A Well, we got to work and we got there early
13 'cause we were taking -- we were getting an insurance
14 policy, so we had to take physicals at work. And we
15 just got there early, and there was a lady from the
16 insurance company there, like, a nurse, taking blood
17 and doing different things.

18 Q Okay. So everyone was supposed to be at work
19 a little earlier than normal.

20 A Yes.

21 Q So you didn't interfere with your daily
22 business?

23 A That's correct.

24 Q And you could get all that?

25 A Pardon me?

1 Q So you could get all the insurance stuff
2 done?

3 A Right. So we can get all the insurance
4 paperwork done.

5 Q And was that the insurance paid through by
6 the business?

7 A Yes, sir.

8 Q So what happened when you got there?

9 A Well, we got there and we were getting -- I
10 was getting IV or whatever you call it, taking blood
11 out. And Mike, my manager, Mike Robson, he came and
12 told me that Mike called, said he wasn't coming in that
13 day.

14 Q Prior to hearing that information from the
15 manager, Mike Robson, were you -- did the defendant
16 ever call you and ask where Bonnie was?

17 A No, sir.

18 Q And were you aware up until then whether he
19 was coming in or not?

20 A Until Mike Robson mentioned to me he called
21 in, wasn't coming in, no, I was not aware.

22 Q So with that information, what did you do?

23 A Well, I called Bonnie to see where she was
24 at. And --

25 Q And where did you call?

1 A I called their home on Dolphin Avenue.

2 Q Okay. Prior -- this is on January 7th, 1993,
3 the day that she went missing?

4 A Yes.

5 Q The night before, were you aware of Bonnie
6 calling your home or you calling Bonnie's home?

7 A She called our home and spoke with Eveann.

8 Q And you were aware of that?

9 A Yes, sir.

10 Q So going back to the 7th, when you made the
11 phone call, what happened?

12 A Well, Michael answered the phone. And he
13 said he wasn't coming in today.

14 And I said, okay. I said, let me speak to
15 Bonnie.

16 And he said she wasn't there.

17 Q So before asking about Bonnie, did the
18 defendant say anything about Bonnie not being home?

19 A No, sir.

20 Q And when he told you that she wasn't home,
21 did you ask where she was?

22 A I did.

23 Q What was the response?

24 A He said they had an argument and she left.

25 Q Did he give you any other details at that

1 time?

2 A No, sir.

3 Q And knowing Bonnie's character, did you find
4 that unusual?

5 A I find it very unusual that she would leave
6 Aaron, period.

7 Q What's the next thing that happened?

8 A The next thing happened, I received a phone
9 call from one of my police friends, and he asked me if
10 I knew where Bonnie was at.

11 And I said, no.

12 And he said, we just found her purse in the
13 dumpster, and you better get over here pretty quick.

14 Q So who went to -- where did you go?

15 A We went -- my wife and I, Eveann and I,
16 went -- I couldn't drive fast enough for her to get
17 there, but we went to the Red Roof Inn at the airport.

18 Q And so it was you and Eveann, your wife?

19 A Yes, sir.

20 Q And who else was at the Red Roof Inn when you
21 got there?

22 A When we got there, it was -- there was a room
23 set up. And Michael and his father was there and a
24 police officer was there.

25 Q And what happened when you were in that room

1 with the police officer and the defendant?

2 A Well, we went in and there was a purse on the
3 bed. And my wife asked Mike, what's going on? What --
4 what's going on?

5 And basically Mike told Eveann -- said, what
6 is she doing with all that money?

7 Q What was your relationship with Eveann --
8 was -- with your wife Eveann and Bonnie, what was their
9 relationship like?

10 A They were best friends.

11 Q And was that commonly known?

12 A Yes, sir.

13 Q From the time that you got the phone call
14 from Bonnie Haim the evening of the 6th to the time you
15 ended up at the Red Roof Inn, did the defendant ever
16 call you or your wife asking where Bonnie Haim was?

17 A No, sir.

18 Q You mentioned that your brother John was at
19 the scene of the Red Roof Inn too.

20 A Yes, sir.

21 Q Can you describe what he was doing at the
22 scene?

23 A He was sitting on the bed beside Mike.

24 Q Did he appear to be interested in how the
25 police were going to be conducting their investigation?

1 A I don't -- I didn't really talk to him at
2 that time. No.

3 Q Later, did you notice your brother being
4 overly protective of --

5 MR. FALLIS: Objection, leading, Judge.

6 THE COURT: Sustained.

7 BY MR. MIZRAHI:

8 Q Did you notice anything unusual about your
9 brother and Michael's behavior in the hours after the
10 discovery of the purse?

11 A That particular time or after the next day or
12 when are you talking about?

13 Q We'll start with right afterward to the next
14 day.

15 A Well, he was overprotective of Mike, and he
16 wouldn't let Mike go anywhere by himself.

17 Q Did you notice that at the Red Roof Inn or
18 did you notice that later?

19 A At the Red Roof Inn, they were just in the
20 room, and I didn't really talk to them after that. So
21 after that.

22 Q Okay. Did the defendant ever come -- did you
23 look for Bonnie?

24 A A lot of times, yes, sir.

25 Q And how did you go about doing it?

1 A I would get some of my employees, and we'd go
2 out in the woods. We'd ride around. We'd do that.
3 Like, we did it for two or three weeks.

4 Q And were some of these searches led by
5 police?

6 A They were there certain times, yes, sir.

7 Q Okay. During any of the occasions that you
8 searched with coworkers and/or the police, was the
9 defendant ever a participant?

10 A No, sir.

11 Q And since January 6th, has he ever called you
12 on your wife and asked where Bonnie Haim went?

13 A No, sir.

14 MR. MIZRAHI: Your Honor, that's all the
15 questions I have.

16 THE COURT: All right. Cross?

17 CROSS EXAMINATION

18 BY MR. FALLIS:

19 Q Mr. Haim, how large did you say that
20 pallet -- I guess it was treated deck wood was on
21 direct examination?

22 A How large was it?

23 Q Yes, sir.

24 A At the time that -- when I sold it --

25 Q When you were there.

1 A When I was there, it was approximately three
2 feet by four feet.

3 Q Do you recall giving a deposition in this
4 case?

5 MR. FALLIS: Page 42, Counsel.

6 BY MR. FALLIS:

7 Q And when asked that question, you said it was
8 two by three?

9 A Okay. That's fine. Yes, sir.

10 Q You recall that?

11 A Two by three, three by four, yes.

12 Q No. I'm asking, do you recall saying it was
13 two by three?

14 A How long ago was that deposition, sir?

15 Q Sir, it was just March of this year.

16 A I may have said that. Yes, sir.

17 Q Okay. So has your testimony changed today?

18 A No, sir.

19 Q Well, you said two by three then.

20 A Well, it could be.

21 MR. MIZRAHI: I'd object to improper
22 impeachment.

23 THE COURT: Overruled.

24 BY MR. FALLIS:

25 Q I'm trying to determine, sir, what your

1 testimony is. Okay?

2 A Yes, sir.

3 Q One time, you said two by three. Another
4 time you said four by three.

5 A I didn't have a tape measure, sir. It could
6 be two by three or three by four --

7 Q So you don't really know --

8 A -- where someone can stand there and not fall
9 off the edge of it.

10 Q Okay. So you really don't know. But you
11 know it certainly wasn't six foot, right?

12 A That's correct.

13 Q Okay. Now, that phone call, isn't it true,
14 that phone call that Bonnie made that night, you
15 answered the phone, didn't you?

16 A I believe I may have. I'm not sure. I don't
17 remember.

18 Q Well, once again, did you have some
19 conversation with her?

20 A I know that Eveann was talking to her, and I
21 don't recall at the time if I answered the phone or she
22 answered the phone. But I knew when Eveann hung up,
23 she was real upset 'cause Bonnie sounded like she was
24 upset.

25 Q Okay. Let me bring your attention to

1 deposition.

2 MR. MIZRAHI: Your Honor, this is
3 improper impeachment. Objection.

4 MR. FALLIS: I'm sorry?

5 MR. MIZRAHI: I have an objection to
6 improper impeachment.

7 THE COURT: Sustained.

8 MR. FALLIS: Is he objecting to
9 impeachment? Is that what he's saying?

10 THE COURT: Improper impeachment.
11 Sustained.

12 BY MR. FALLIS:

13 Q Sir, do you remember giving a deposition back
14 on March 9th of 1993?

15 THE COURT: Sustained that objection.
16 Ask the next question, Mr. Fallis.

17 MR. FALLIS: May we approach, Judge?
18 I'm not understanding the objection or your
19 ruling.

20 THE COURT: Just ask the next question,
21 Mr. Fallis.

22 MR. FALLIS: The question is do you
23 recall giving a deposition.

24 THE COURT: Next question after this
25 one.

1 MR. FALLIS: Okay. Next question, and
2 being asked this question and giving this
3 answer --

4 THE COURT: Mr. Fallis, we're still on
5 the same question. Ask another question.

6 BY MR. FALLIS:

7 Q Did you answer the phone back then, in that
8 phone call?

9 A I don't remember. I could have.

10 Q You could have.

11 A Could have but I don't remember.

12 Q Would it refresh your recollection, sir, if
13 you would have been able to read some prior testimony
14 when you were asked that? Would that help refresh your
15 recollection?

16 A I'm sorry. Would you repeat that?

17 Q Would it refresh your recollection to see
18 maybe some prior testimony on that subject?

19 A I may have. If you're talking about
20 something 26 years ago, I don't remember.

21 Q Correct. And I'm here to ask you if I can
22 help you refresh your recollection. Would it help?

23 A If that's what you'd like to do.

24 Q It would? Thank you.

25 THE COURT: You may approach.

1 BY MR. FALLIS:

2 Q Sir, I'd ask you to read, well, basically
3 this whole page.

4 A I must have answered the question -- answered
5 the phone when she called, yes, sir.

6 Q Okay. As a matter of fact, you had some
7 conversation with her too, didn't you?

8 A I'm sorry?

9 Q You had a little bit of a conversation with
10 her too, didn't you?

11 A Very little.

12 Q Well, she asked you what you were doing,
13 right? Correct?

14 A Yes, sir.

15 Q And you told her you were eating, right?

16 A If that's what it said, yes, sir.

17 Q Sir?

18 A If that's what it says, yes, sir.

19 Q Well, you just read it, did you not?

20 A You're also talking about something 26 years
21 ago.

22 Q Sir I just gave you the opportunity to reread
23 it.

24 A Yes, sir.

25 Q Do you want to reread it again?

1 A No, sir. I read it.

2 Q Okay. And then she said: Well, okay. Tell
3 Eveann to call me when she's through eating.

4 Right?

5 A If that's what I said, yes, sir. But I don't
6 believe I hung up the phone. I gave the phone to
7 Eveann right then.

8 Q I didn't say you hung up, sir.

9 It sounded originally you -- that Eveann
10 answered the phone and you had nothing to do with this
11 phone call. Okay? I'm just trying to lay the premise
12 that you had conversation before Eveann got on the
13 phone and I briefly substantiated that. Have we not?

14 A If that's what you say, yes, sir.

15 Q Not, what I say, sir. What you said back on
16 March 9th, 1993.

17 A Okay. If I said it back then, my
18 recollection was a lot better back then, 26 years ago,
19 than it is now.

20 Q Yes, sir. Right. It would have been the
21 truth back then too, wouldn't it?

22 A Yes, sir.

23 Q So once again -- and you said: No, that's
24 okay. Because I knew she was going to be coming
25 over --

1 MR. MIZRAHI: Objection, Your Honor.

2 BY MR. FALLIS:

3 Q -- to do the shower stuff.

4 Is that also --

5 MR. MIZRAHI: Objection.

6 THE COURT: Sustained.

7 MR. FALLIS: What was the objection?

8 MR. MIZRAHI: Improper impeachment.

9 THE COURT: Sustained.

10 MR. FALLIS: Okay. We'll go back and
11 refresh your recollection again. How's that?

12 THE COURT: Well, ask the question. He
13 may --

14 BY MR. FALLIS:

15 Q Well, the question is wasn't there further
16 conversation, sir, with her other than what we just
17 finished saying?

18 A All I can recall is she called. And if I
19 said I answered the phone, I did. But it was a very,
20 very short conversation, and I handed the phone to
21 Eveann immediately.

22 Q Okay. Now, you didn't make any -- you don't
23 have a recollection of her having been crying on the
24 phone to you during that conversation, do you?

25 A She didn't sound like she was having a party.

1 She sounded upset.

2 Q You don't recall her crying, do you?

3 A She was sniffing.

4 Q Sir?

5 A I could tell there was something wrong. Yes,
6 sir.

7 Q That wasn't the question. You don't recall
8 her crying, do you?

9 A No, sir.

10 Q Thank you.

11 By the way, sir, you were asked about the
12 search -- the searches that you did with the people in
13 your company. Okay? Isn't it true Michael was never
14 invited to go on any of those searches with you and
15 your -- your group? Isn't that correct?

16 A Well, if my wife was missing, I wouldn't need
17 an invitation. I'd go myself but he wasn't invited
18 because we never did see him anymore. He never came
19 around.

20 Q Okay. You never called him and invited him,
21 did you, to go on any of those searches?

22 A No, sir.

23 Q So you have no way of knowing, 'cause he
24 wasn't around, whether he knew you were even conducting
25 searches, correct?

1 A The news station had us -- had it on the TV.
2 He knew we were having searches.

3 Q But he didn't know what time you were going.
4 I mean, you would not -- you would have had to notify
5 him that you were going to have a search, for him to be
6 there, one that you were involved in, isn't that
7 correct, or you organized?

8 A It was known that we went searching every
9 day.

10 Q Okay. My question originally was -- and I'm
11 not sure I got the answer, but I'll ask it again, just
12 so I understand, that you never invited Mike to the
13 searches, and you have no idea whether Mike knew about
14 the searches that you organized.

15 A That's correct.

16 Q Thank you.

17 MR. MIZRAHI: Your Honor, I will object
18 to last question and answer as being
19 compound. There's two questions.

20 THE COURT: It was two questions. Break
21 it up, Mr. Fallis. You can ask it again so
22 we're clear as to what the answer is.

23 BY MR. FALLIS:

24 Q You have no idea what -- you have no idea
25 that Mike knew about the searches you organized,

1 correct?

2 A That's correct.

3 Q And you never invited Mike to join the
4 searches.

5 A That's correct.

6 Q Thank you.

7 Now, sir, up until the time of Bonnie's
8 disappearance, you had a pretty good relationship with
9 Mike, did you not?

10 A Yes, sir.

11 Q And starting that night, did you not -- and
12 that following morning, did you not confront Mike and
13 tell him that you believed that he was responsible for
14 his wife's disappearance?

15 A At what time?

16 Q That same day or the next day.

17 A The same day? No, I did not tell him that.

18 Q Did you tell him the next day that he --

19 A It may have been a few days after that.

20 Q I'm sorry?

21 A It may have been a few days after that.

22 Q A few days? Okay.

23 But you did, though, right? And you actually
24 accused him of having something to do with his wife's
25 disappearance, did you not?

1 A Mike and his father asked me if I believed
2 him and I said no.

3 Q You accused him, did you not, and tell him he
4 better fess up; I know maybe it was an accident or
5 whatever? Do you remember the -- that conversation?

6 A Yes, I did.

7 Q Okay. So you did, in fact, accuse him a day
8 or two after her disappearance of having been involved.

9 A That's correct.

10 Q That was the beginning of the, I would
11 imagine, deterioration of your relationship, correct?
12 Because he didn't appreciate the fact that you were
13 accusing him of something, isn't that true?

14 A I assume, yes.

15 Q You don't --

16 A We never had any conversations after a couple
17 days after her disappearance.

18 Q But that's where it started. After you
19 accused him, he didn't want to have any more to do with
20 you, is that fair to say?

21 A Repeat that again, please.

22 Q He didn't want to have anything to do with
23 you after that -- correct? -- after you accused him.

24 A I didn't accuse him. He asked me and his
25 father asked me if I believed that he didn't know

1 anything about Bonnie being missing, and I told them I
2 did not believe him.

3 Q Did you tell him that he ought to confess?

4 A I did that in front of one of his attorneys,
5 yes, sir.

6 Q And when you tell somebody you ought to
7 confess, isn't that the same thing as accusing
8 somebody?

9 THE COURT: All right. Stop right
10 there.

11 One of the members of the jury, do we
12 need to take a short break?

13 A JUROR: Yes, sir.

14 THE COURT: We do. Okay. Let's take a
15 short recess and we'll be right back and
16 we'll finish with this witness. So everybody
17 stay close.

18 (Jury excused.)

19 THE COURT: Let the record reflect --
20 court is in session. Let the record reflect
21 the jury has left the courtroom.

22 We just need a short restroom break, so
23 we're going to start right up with cross
24 examination.

25 While I've got y'all here, how long is

1 your next witness, Mr. Mizrahi? We may want
2 to call one more before we break for lunch.

3 MR. MIZRAHI: I can call one more short
4 one.

5 THE COURT: Okay. That's -- is that
6 Faulk?

7 MR. MIZRAHI: No. I'll skip him. He'll
8 be a little bit more lengthy. The next one,
9 Abbey, she's a civilian. I'll call her.
10 She's very brief.

11 THE COURT: So that's our plan, one more
12 witness after this one finishes. Then lunch
13 break.

14 We're in recess until we hear back from
15 Miss James when the jury's ready. So don't
16 go far. In fact, don't go anywhere 'cause
17 hopefully it will be soon.

18 (Short recess.)

19 (Defendant present.)

20 THE COURT: All right, folks. Are we
21 ready for the jury?

22 MR. MIZRAHI: Yes, Your Honor.

23 THE COURT: All right. Bring in the
24 jury.

25 (Jury present.)

1 THE COURT: Welcome back. Y'all can
2 take your seats.

3 All right. Mr. Fallis, you may
4 continue, sir.

5 MR. FALLIS: Thank you.

6 BY MR. FALLIS:

7 Q Mr. Haim, do you recall telling Detective
8 Hinson that Mike told you that morning that he had been
9 up all night worrying about Bonnie?

10 A I don't remember.

11 Q You don't remember telling Detective Hinson
12 that?

13 A No, sir.

14 Q Now, I think you described your relationship
15 as a pretty good relationship with Mr. Michael Haim
16 until 1993, is that correct?

17 A Yes, sir.

18 Q And it was shortly after Bonnie's
19 disappearance that that relationship started to
20 deteriorate, right?

21 A Yes, sir.

22 Q Now, one of your employees was just here and
23 he -- he was the manager, Robson. Is that his name?
24 He was a manager that worked under Mike? Is that --

25 A Yeah. He was assistant manager.

1 Q Assistant manager. Okay.

2 And he had said that his understanding was
3 that Michael Haim had an interest in the company.
4 Didn't Michael Haim have an interest in the company?

5 A When we started the business, there was talk
6 of him getting a percentage of the business at the
7 time, yes.

8 Q Well, did he have an interest in the business
9 starting out?

10 A At which time particular time, sir?

11 Q Sir?

12 A Would you repeat the question?

13 Q Yeah. Did he ever have an interest in the
14 business, meaning an ownership interest?

15 A There was talk that he had a small percentage
16 of the business but it wasn't nothing on paper. But he
17 ended up getting like 15 percent or something like
18 that. I don't really recall what it was.

19 Q And that litigation started around the time
20 right after Bonnie's disappearance, correct? When he
21 let --

22 A I don't remember when it started. No, sir.

23 Q Okay. Well, there came a time when he, in
24 fact, did get a final judgment that said he owned
25 15 percent of that business, isn't that true?

1 A There may have been, yes, sir.

2 Q And you fought that, didn't you? That was a
3 bone of contention between you and Mr. Haim, wasn't it?

4 A Yes, sir. May have, yes, sir.

5 Q May have or was?

6 A If you say so? You said we fought? We
7 didn't fight. But you mean litigation in courts is
8 what your saying, right?

9 Q If you don't want to call it a "fight," let's
10 call it a "lawsuit." Okay?

11 A Okay. That's correct.

12 Q And so you, quote, contested that fact and
13 you lost, right?

14 A We did, yes, sir.

15 Q Okay. And do you recall how much -- how much
16 money was involved?

17 A No, sir.

18 Q Do you recall what your business net worth
19 was back then in 1993 or 1996?

20 A No, sir.

21 Q Could it have been worth more than a million
22 dollars, give or take?

23 A Possibly.

24 Q And if Mike were to execute -- maybe more
25 than a million dollars, you think?

1 A I'm sorry?

2 Q Maybe more than a million dollars?

3 A I don't know. We didn't -- it was no figures
4 on any of the lawsuit that I know of that I can recall.
5 There was just -- it was just a lawsuit of someone
6 wanting to get a percentage of the company.

7 Q Someone actually did get a percentage of the
8 company, isn't that true? But you never paid him, did
9 you?

10 A Got shares, yes, sir.

11 Q You never paid him, did you?

12 A I don't know. I'm not sure.

13 Q You're not sure whether you paid him any
14 interest after the settlement?

15 A I didn't do the bookkeeping. I don't
16 remember.

17 Q If your bookkeeper would have taken out 150-,
18 \$200,000, I think you would -- would you be made aware
19 of that, to pay Mr. Haim, if that was ever done?

20 A If it was done, it wasn't brought to my
21 attention. I have no knowledge of that.

22 MR. FALLIS: May I have a moment, Judge?

23 THE COURT: Yes, sir.

24 MR. FALLIS: (Conferring with co-counsel
25 and the defendant.)

1 I have no further questions, Your Honor.

2 THE COURT: Redirect?

3 REDIRECT EXAMINATION

4 BY MR. MIZRAHI:

5 Q Mr. Haim, the percentage of shares that
6 Mr. Michael Haim, the defendant, awarded, those were
7 actually shares in the business?

8 A That's what I would call it, yes, sir.

9 Q And how would one cash those out? Upon the
10 sale of the business?

11 A I would think so. I'm a salesman. I'm not a
12 bookkeeper.

13 Q What happened to the defendant's shares of
14 the business? Who did they go to?

15 A In the lawsuit, civil lawsuit --

16 Q No, no. Don't tell me how it got there.
17 Tell me who got it.

18 A They were given to Aaron.

19 Q So Aaron ended up with his father's shares of
20 that business.

21 A Yes, sir.

22 MR. MIZRAHI: That's all the questions I
23 have.

24 THE COURT: All right. May this witness
25 be excused?

1 MR. FALLIS: Judge, I have to recross.

2 THE COURT: Just briefly, on that issue
3 only.

4 MR. FALLIS: Sir?

5 THE COURT: On that issue only.

6 MR. FALLIS: Yes, that issue only.

7 RECROSS EXAMINATION

8 BY MR. FALLIS:

9 Q Excuse me, sir. When did Aaron ever receive
10 any shares and any remuneration from that business?

11 A I believe it was done after he was awarded
12 that.

13 THE COURT: Let's come to sidebar.

14 (The following sidebar conference was had out
15 of the hearing of the jury:)

16 THE COURT: All right. We're at
17 sidebar. I'm not going to tell you how to
18 try your case. That's hardly my place but
19 you're getting close to dangerous ground
20 here.

21 MR. FALLIS: How?

22 THE COURT: He's about to tell you
23 how -- when this --

24 MR. FALLIS: That's fine.

25 THE COURT: -- guy got this case. It's

1 part of a civil lawsuit for wrongful death.

2 Do you want that in front of the jury?

3 MR. FALLIS: I have no idea how he got
4 it.

5 THE COURT: Then don't ask the question.

6 MR. FALLIS: But my problem is --

7 THE COURT: Because if he -- if that's
8 the answer, that's what the jury --

9 MR. FALLIS: He's saying he doesn't
10 know.

11 THE COURT: Please don't interrupt me.

12 MR. FALLIS: Okay.

13 THE COURT: I'm just telling you, y'all
14 need to be careful.

15 MR. FALLIS: How do we know that he got
16 it in a wrongful death? How do we know that?

17 MR. MIZRAHI: He knows it.

18 MR. FALLIS: How do you know that? I'm
19 not aware of that. I don't know where that
20 ever came from.

21 THE COURT: Well, Mr. Mizrahi --

22 MR. MIZRAHI: I know it.

23 THE COURT: -- can we proffer the answer
24 that this witness will likely give to that
25 question?

1 MR. MIZRAHI: In court, yes. The answer
2 will be he was awarded a \$23 million
3 judgment, and the shares in the business
4 along with the home became Aaron's.

5 THE COURT: If you want the jury --

6 MR. FALLIS: That would be hearsay.
7 I'll just withdraw the question. Okay?

8 THE COURT: Okay. All right. End of
9 sidebar.

10 (At the conclusion of the sidebar conference,
11 the following further proceedings were had in the
12 presence of the jury:)

13 MR. FALLIS: Mr. Haim, I have no further
14 questions at this time. Thank you.

15 THE COURT: All right. May this witness
16 be excused?

17 MR. MIZRAHI: Yes, Your Honor. I
18 believe he's subject to recall.

19 THE COURT: All right. Subject to
20 recall, Mr. Haim, but you are excused from
21 the stand.

22 (Witness excused.)

23 THE COURT: Ladies and gentlemen, we're
24 going to hear from one more brief witness and
25 then take our lunch break.

1 So, State, call your next witness.

2 MR. MIZRAHI: Jeanette Abbey.

3 (Witness sworn by the clerk.)

4 MR. MIZRAHI: May it please the Court?

5 THE COURT: Yes, sir.

6 NINA JEANETTE ABBEY,

7 having been produced and first duly sworn as a witness

8 on behalf of the State, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. MIZRAHI:

11 Q Can you pull the microphone closer to your
12 mouth, please?

13 And introduce yourself to the jury.

14 A My name is Nina Jeanette Abbey. I'm mom of
15 three and I'm a dispatcher at an air-conditioning
16 company.

17 Q Okay. And how long have you been working for
18 the air-conditioning company?

19 A A little over a year.

20 Q Miss Abbey, I introduced you as Jeanette
21 Abbey. But your actual first name is Nina?

22 A Correct.

23 Q Miss Abbey, do you know a person by the name
24 of Michael Haim?

25 A Yes, sir.

1 Q And how do you know this person?

2 A My ex-husband and him are best friends --
3 were best friends.

4 Q I want to turn your attention back to January
5 of 1993. Do you remember a situation where Bonnie Haim
6 became missing?

7 A Yes, sir.

8 Q And how did you learn about that?

9 A We saw it on the news, and then we got a
10 phone call. And my husband and him were best friends
11 so we -- pretty -- we knew pretty quickly.

12 Q And what did y'all do after hearing that?

13 A Couple days after, we went over there to see
14 if he needed anything, if we could help him with
15 anything.

16 Q And what did you notice about Michael Haim
17 when you went over there a couple days later?

18 A I noticed that he was very distant, even from
19 my ex-husband. He wouldn't talk to him. And then I
20 also noticed that he had scratches on either his hand
21 or his arm.

22 Q And do you remember exactly where those
23 scratches were?

24 A No, sir, I can't remember exactly.

25 Q Generally on the hands or the arms?

1 A Yes, sir.

2 Q And what did you notice about John Haim, his
3 father?

4 A He was -- he kept Michael very distant from
5 everybody. Like, he wouldn't let him mingle even with
6 my ex-husband and they were best friends.

7 MR. MIZRAHI: Your Honor, that's all the
8 questions I have.

9 THE COURT: Cross?

10 CROSS EXAMINATION

11 BY MR. FALLIS:

12 Q Miss Abbey, you're saying you went there a
13 couple days after Bonnie's disappearance, correct?

14 A Yes, sir.

15 Q And I think your direct testimony was you
16 don't know whether they were -- they were scratches on
17 his arm or his hand, is that correct?

18 A Yes, sir. I can't remember exactly where but
19 I'm pretty sure either arms or his hand.

20 Q Ma'am, you don't even know if they were
21 scratches, do you?

22 A Sir, I can't be for certain but I know there
23 was something.

24 Q I'm sorry?

25 A I can't be 100 percent certain, but I know

1 there was some kind of mark on his hand or his arm.

2 Q Ma'am, a mark on your hand and a scratch are
3 two different things. Would you not agree?

4 A Yes, sir.

5 Q Okay. So you don't even know if they were
6 scratches.

7 A I can't be 100 percent sure. It was a
8 long --

9 Q Ma'am?

10 A I can't be 100 percent sure. It was a long
11 time ago.

12 Q So you're not 100 percent sure they were
13 scratches, right?

14 A Yes, sir.

15 Q Is that your testimony? I want to know your
16 testimony today.

17 A Yes, sir. I cannot be for sure, 100 percent
18 certain.

19 Q Okay. Now, there were a lot of people there
20 as well, weren't there?

21 A Yes, sir.

22 Q When you were there at that time?

23 A Uh-huh.

24 Q There were at least maybe five or six police
25 officers?

1 A Yes, sir, thereabouts.

2 Q And those police officers would have probably
3 been in the same position as you to notice anything
4 unusual such as, quote, scratches, wouldn't they?

5 A Yes, sir.

6 Q And I'm sure you would agree that police
7 officers are trained for that kind of thing.

8 A Yes, sir.

9 Q You're not.

10 A No, sir.

11 Q Now, those marks that you thought -- and you
12 don't know where they were, either on his hand or his
13 arm -- okay? -- could have been just an abrasion of
14 some kind, correct?

15 A Correct.

16 Q You didn't see any blood?

17 A No, sir.

18 Q Didn't see any grooves like a nail would
19 make, right?

20 A No, sir, not that I can remember.

21 Q All right. So your final testimony is you
22 can't be sure what you saw, right?

23 A Correct.

24 MR. FALLIS: Thank you.

25 THE COURT: Redirect?

1 MR. MIZRAHI: No, Your Honor.

2 THE COURT: May this witness be excused?

3 MR. MIZRAHI: She may.

4 THE COURT: All right. Thank you,
5 ma'am. You're excused.

6 (Witness excused.)

7 THE COURT: All right, folks. As
8 promised, we're going to take our lunch
9 break. It is 12:50 let's be back at
10 2:00 o'clock.

11 Enjoy your lunch. Don't talk about the
12 case even amongst yourselves. Before long,
13 you're going to be able to repeat back that
14 to me verbatim because I'll say it so much.
15 Because it is important.

16 Do enjoy your lunch. We'll see you at
17 2:00 o'clock.

18 (Jury excused.)

19 THE COURT: All right. We're in recess.

20 (Lunch recess was taken from 12:50 p.m. until
21 2:02 a.m.)

22 (Defendant present.)

23 THE COURT: Jury here?

24 THE BAILIFF: Yes, sir.

25 THE COURT: All right. Good afternoon.

1 Jury is in the room. We ready to bring them
2 in?

3 MR. MIZRAHI: Yes, Your Honor. Before
4 they come in, Mr. Fallis indicated that he
5 was going to call Bernie and Eveann Haim back
6 in their case in chief. They want to watch,
7 what we discussed earlier about the rule of
8 sequestration. We have agreed to recall them
9 in our case so Mr. Fallis can ask some
10 questions, and then the parties have agreed
11 to let both Bernie and Eveann Haim remain in
12 the courtroom after their testimony.

13 THE COURT: Okay. So you're going to do
14 that right now?

15 MR. MIZRAHI: We're going to do that
16 right now. We've also agreed to a series of
17 photographs that the defense has marked.
18 There's two specific objections that we have
19 that we want for them to proffer. I've
20 discussed that with them. But everything
21 else can be premarked, so they can go ahead
22 and get those into evidence.

23 THE COURT: And these photographs are
24 for use in these next two witnesses?

25 MR. MIZRAHI: And they can use their

1 photographs as they see fit.

2 THE COURT: But there's an objection by
3 you.

4 MR. MIZRAHI: Only as to the two. And
5 they're not going to introduce those at this
6 point.

7 THE COURT: Oh, okay. All right.
8 You've got those witnesses. Ready to bring
9 in the jury?

10 MR. MIZRAHI: Yes, we're ready. I just
11 wanted to put all that on the record so Your
12 Honor knew what was going on.

13 THE COURT: I understand. Thank you.
14 Bring in the jury.

15 Do you want to re-swear them or --

16 MR. MIZRAHI: That's fine.

17 THE COURT: Yeah. Go ahead so it's
18 clean.

19 (Jury present.)

20 THE COURT: Okay. Take your seats.
21 Good afternoon and welcome back. Y'all had a
22 good lunch?

23 A JUROR: Yes, sir.

24 A JUROR: Yes. Thank you.

25 THE COURT: Good.

1 Was everybody able to still follow the
2 instructions and not talk about the case, or
3 did anybody talk to you about the case?

4 THE JURORS: No.

5 THE COURT: Compound question.

6 A JUROR: Yes and no.

7 A JUROR: Yes.

8 THE COURT: Yes and no. Very good.

9 All right. We're going to go through
10 our next witnesses. Two of them you've
11 already seen. They're going to recall them
12 briefly.

13 Mr. Mizrahi?

14 MR. MIZRAHI: Yes, Your Honor. Pursuant
15 to agreement with the parties, as opposed to
16 waiting and calling these witnesses later,
17 we've agreed to recall Eveann Haim.

18 THE COURT: Okay.

19 (Witness sworn by the clerk.)

20 MR. MIZRAHI: May it please the Court?

21 THE COURT: Yes, sir.

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

25 DIRECT EXAMINATION

1 BY MR. MIZRAHI:

2 Q Miss Haim, were you familiar with Bonnie and
3 Michael Haim's house in the way it was decorated on
4 January 7th, 1993?

5 A Yes, I am.

6 Q I'm going to show you what's been entered
7 into evidence as State's Exhibit 13. Do you see a rug
8 that's outside the laundry room there, right in the
9 corner, balled up? Do you recognize that?

10 A Yes.

11 Q And what do you recognize that rug to be?

12 A That was a rug that was in her kitchen. I
13 believe her mom made that for her for Christmas, just a
14 couple weeks before she disappeared.

15 Q I want to show you -- did Bonnie Haim have a
16 particular affinity for cows?

17 A Yes.

18 Q Is that rug decorated in a white and black
19 splotch pattern like a cow?

20 A Yes.

21 Q I want to fast -- I guess there's another
22 shot in State's Exhibit 14. Can you kind of just mark
23 what rug you're talking about?

24 A (Complies.)

25 Q Did that rug match the decor of the kitchen?

1 A Yes, it did.

2 Q Showing you State's Exhibit 45. Where would
3 that rug have been the last time you saw it prior to
4 her disappearance on January 7th, 1993?

5 A It would have been in the middle of the
6 floor, closer to where -- like, this area.

7 Q And do we see other matching decor in that
8 kitchen with regard to the cows?

9 A Yes.

10 Q Would you please just put a little mark on
11 all the cows that we see in that photograph?

12 A (Complies.)

13 I think that will do it.

14 Q And I think we see maybe one here and one
15 here?

16 A Yeah.

17 Q Okay. It's a number of cows. And I want to
18 show --

19 A Yeah. There's -- on the wall.

20 Q Go ahead. I'm sorry. Okay.

21 A There and here.

22 Q And I'm showing you State's Exhibit 46. Do
23 we also see a cow on the wall? Oh, and on the
24 refrigerator in multiple occasions.

25 A Uh-huh.

1 Q So is it fair to say, Miss Haim, that that
2 rug that was crumpled up in the laundry room would have
3 matched the general decor of the kitchen?

4 A Yes.

5 Q And it was -- that rug was not more than two
6 weeks old, two or three weeks old.

7 A Correct.

8 MR. MIZRAHI: That's all the questions I
9 have at this time.

10 THE COURT: Cross?

11 CROSS EXAMINATION

12 BY MR. FALLIS:

13 Q Good afternoon again, Miss Haim.

14 A Hi.

15 Q Miss Haim, what material was that rug? What
16 material?

17 A Like, a woven rug, like, just polyester or
18 something.

19 Q And it was washable, correct?

20 A I don't know.

21 Q Well, it was a rug that was used in the
22 kitchen, correct?

23 A Yes.

24 Q Well, he keeps calling it a rug. Was it a
25 floor mat or a rug? I don't know if there's a

1 difference between the two. I consider that what's
2 called a floor mat.

3 A It was -- I would call it more just, like, a
4 designer rug. I think it was heart-shaped, black and
5 white.

6 Q And that's what somebody would stand on in
7 the kitchen while either cooking or washing, whatever
8 they were doing, correct? That would be the purpose?

9 A Either that or decor, yes.

10 Q Is that a "yes"?

11 A As a decor rug, yes.

12 Q Okay. And, of course, if that rug got soiled
13 in any way from food or whatever, it would naturally
14 have to be washed, right?

15 A I would assume so.

16 Q Okay. And as you know, this was found in
17 the -- in, I guess, the laundry room.

18 A Yes.

19 Q Now, moving on to another subject, can you
20 tell me what your mother's maiden name was?

21 A My mother's maiden name was Hogan.

22 Q And her first name would be Mary?

23 A Marion.

24 Q Marion. Okay.

25 And do you recall if -- well, would she --

1 what would her -- would her relationship to Bonnie be
2 considered, quote, niece-in-law? Is that a correct
3 description?

4 A She was more niece-in-law.

5 Q Well, I understand that maybe she would be --
6 well, she would be a grand aunt or something, right?
7 But, I mean, to call her a niece-in-law would not be an
8 misstatement, would it?

9 A No.

10 Q Okay. And do you remember if, in fact, your
11 mother had seen Bonnie that Thanksgiving, the end of
12 November of '92?

13 A Probably. My mother was a shut-in for quite
14 a large amount of time, living on our property. So she
15 was there. She was at our house for dinners. But --
16 so I would assume that she was there since she couldn't
17 travel.

18 Q Okay. But I'm talking about in '93.

19 A Okay.

20 Q So in '93, she would have -- well, y'all
21 spent Thanksgiving together, right, '93?

22 A Yes.

23 Q At -- '92. I'm sorry. At your -- at your
24 home.

25 A Yes.

1 Q And your dad and Bonnie and Michael were
2 there, were they not?

3 A Yes, sir.

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

6 THE COURT: Any redirect?

7 MR. MIZRAHI: Briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. MIZRAHI:

10 Q So to be clear, your mother never went by
11 Mary Hogan?

12 A No.

13 Q And what was the name that she went by in
14 January of 1993?

15 A Marion.

16 Q What was her last name?

17 A Bannon.

18 Q So she would identify herself -- to the
19 public, she would identify herself as Marion Bannon.

20 A Yes.

21 Q Okay. And back in January of 1993, was your
22 mother a shut-in?

23 A Yes. She had a -- she had a stroke. We
24 built a guest house on our property for her and --
25 which was just from here -- you know, I'm not good at

1 measurement but maybe to the back of the courtroom.

2 And it was a little bungalow or guest house. And she
3 was at our disposal if something should happen. She
4 never drove so she was not out.

5 Q She was not out and about without you driving
6 her.

7 A Correct.

8 Q Did you ever see Bonnie Haim on January
9 the 6th before she called you on the phone?

10 A At work.

11 Q What -- approximately what time was that?

12 A I'm sure she left -- we closed at 5:00 so
13 approximately 5:00.

14 Q And did you ever see her at any fast food
15 restaurants after that night?

16 A No.

17 Q And would your mother have been in an
18 opportunity to see her at any fast food restaurants
19 after that night?

20 A No.

21 MR. MIZRAHI: Thank you. That's all the
22 questions I have.

23 THE COURT: All right. May this witness
24 be excused then?

25 MR. FALLIS: Your Honor, I'd like to

1 follow up.

2 THE COURT: Okay.

3 RECROSS EXAMINATION

4 BY MR. FALLIS:

5 Q Ma'am, when you say, quote, she was a
6 shut-in, did she have friends? Did your mother have
7 friends?

8 A Yes.

9 Q Did she have friends that drove?

10 A My mother never went anywhere.

11 Q Did she have friends that drove, ma'am?

12 A I would assume so.

13 Q And would they take her out of the house once
14 in a while with them?

15 A No.

16 Q Never?

17 A No.

18 Q You're certain of that?

19 A Not -- I am. Not without checking with me
20 first.

21 Q Not with what?

22 A Not without me knowing that she went because
23 I was her sole caregiver.

24 Q I understand. But in 1993, do you recall
25 whether or not anybody asked her if they could take her

1 out?

2 A No.

3 MR. FALLIS: Thank you.

4 THE COURT: May this witness be excused?

5 MR. MIZRAHI: Yes, Your Honor.

6 THE COURT: Miss Haim, you're excused.

7 (Witness excused.)

8 THE COURT: Call your next witness.

9 MR. FALLIS: At this time, we will
10 release the sequestration both on Miss Haim
11 and Mr. Bernie Haim.

12 THE COURT: Right. That's the
13 agreement.

14 So you're welcome to stay in the
15 courtroom.

16 THE WITNESS: Thank you, Your Honor.

17 MR. MIZRAHI: Randy Faulk.

18 (Witness sworn by the clerk.)

19 MR. MIZRAHI: Please the Court?

20 THE COURT: Yes, sir.

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

24 DIRECT EXAMINATION

25 BY MR. MIZRAHI:

1 Q Please introduce yourself to the jury.

2 A Randy Faulk.

3 Q And what do you do for a living, sir?

4 A Right now, I'm retired from JSO.

5 Q And JSO is the Jacksonville Sheriff's Office?

6 A That is correct, sir.

7 Q How long were you a police officer?

8 A 31 years as a police officer.

9 Q Give the jury an idea of your history as a
10 police officer, what you did for the Sheriff's Office.

11 A 13 years, I was in patrol and calls for
12 service to headquarters, doing on-view calls. And then
13 after 13 years, probably six or seven years after that,
14 I was in specialized units, one of them being the FBI
15 task force. And for then 11 years after that, I went
16 to the port authority as a police officer and retired,
17 31 years.

18 Q And did you work in this courtroom or in the
19 Duval County Courthouse after your retirement as an
20 active-duty police officer?

21 A I did, for six years.

22 Q And what were your duties in the courthouse?

23 A Basically what you see these officers in here
24 doing today, security and safety of the courthouse,
25 courtroom, which includes security for all the jurors,

1 defendants, judge and all the court staff.

2 Q So you were a uniformed bailiff for six years
3 after your 31 years?

4 A I retired for a year afterwards and then six
5 years again.

6 Q And now you're retired from that.

7 A Yes, sir.

8 Q Congratulations.

9 A Thank you.

10 Q Obviously, over the course of your career,
11 you have handled probably countless number of calls for
12 service, is that fair?

13 A Yes, sir.

14 Q Do you, as best you can, try to document your
15 calls for service in what's referred to as police
16 reports?

17 A Yes, sir.

18 Q And why do you do that?

19 A Well, just to go back on it for memory
20 purposes, and going back, obviously, incidents that
21 take place, you can refresh your memory, you know, past
22 tense.

23 Q Were you the reporting officer that responded
24 to the Red Roof Inn on January 7th of 1993 upon the
25 discovery of a purse apparently belonging to Bonnie

1 Haim?

2 A Yes, sir.

3 Q And so you were the first officer to respond.

4 A Yes, sir.

5 Q Did you write a report detailing your
6 activities on January 7th, 1993?

7 A I did.

8 Q Independent of looking at that police report,
9 do you have a memory of this case?

10 A Fair.

11 Q And why is that?

12 A Well, I mean, it's been 26 years. I mean,
13 there's things that you do remember. There's things
14 you really don't remember 'cause it's been a long time.

15 Q And that's why you write the report.

16 A Right.

17 Q The -- but the case itself, is this case more
18 memorable than some of the other cases you had?

19 A Absolutely.

20 Q And why is that?

21 A Well, it's one of the very few cases as far
22 as missing persons cases that I was involved in that we
23 did not locate or find the victim.

24 Q Have you had the opportunity to review your
25 police reports?

1 A Yes, sir.

2 Q And did you author those yourself?

3 A I did.

4 Q In your own handwriting?

5 A Yes, sir.

6 Q Okay. How did you become involved in the
7 case?

8 A There was a call -- I received a call from
9 Jacksonville Sheriff's Office dispatch in reference to
10 finding property at the Red Roof Inn located at
11 14071 Duval Road, which is east of Jacksonville
12 International Airport and right close to I-95.

13 Q And that's in Jacksonville, Duval County,
14 Florida?

15 A It is.

16 Q Okay. Approximately what time were you
17 dispatched?

18 A About 9:22 in the morning.

19 Q And that's a fact you would have to refresh
20 your memory with the report?

21 A Yes.

22 Q What happened when you got to the Red Roof
23 Inn?

24 A I made contact with Mr. Mullins, who was the
25 maintenance worker for Red Roof Inn.

1 Q And did he indicate where he found the purse?

2 A Yeah. He found it in a dumpster located on
3 the property of the motel, the Red Roof Inn.

4 Q And what did you do after finding the
5 purse -- after you were told that the purse was found?

6 A I looked through the purse and saw some
7 identification, \$100, credits cards, Florida driver's
8 license belonging to a Bonnie Haim.

9 Q So you mentioned the \$100. Was that a red
10 flag for you as a police officer that something was not
11 quite right?

12 A Yes, sir. It's really quite strange to find
13 a pocketbook that had not been compromised with
14 everything in it, in my opinion. So nothing appeared
15 to be taken out of it. Everything was still in
16 contact.

17 Q And did you handle the purse?

18 A I did.

19 Q Back in 1993, in hindsight, would you have
20 handled the purse, knowing what you know now?

21 A No.

22 Q Why not?

23 A Could be part of evidence with my
24 fingerprints all over it.

25 Q But you did do that.

1 A I did do that.

2 Q Regardless, were you able -- at that point,
3 you didn't know what the purse meant, if anything.

4 A Say it again?

5 Q You didn't know what the purse meant. It was
6 suspicious but that was it.

7 A Absolutely.

8 Q So you made a phone call.

9 A I did.

10 Q And who did you call?

11 A I called the number that was -- the phone
12 number on the check that had Bonnie Haim's name on it.
13 I said, let me call and see if I can make contact with
14 Bonnie Haim.

15 So I did, called the number.

16 Q Who did you make contact with?

17 A Michael Haim.

18 Q And what happened?

19 A I asked him, I said, you know, I'm Officer
20 Faulk with the Jacksonville Sheriff's Office. I said,
21 is Bonnie Haim in?

22 And he said, no.

23 I said, well, who am I talking to?

24 He said, Michael Haim.

25 I said, are you her husband?

1 He said, yes.

2 I said, is Bonnie not at home?

3 He said, no, she's not.

4 Q And then what happened?

5 A Then I said, well, do you know where she's
6 at?

7 And he said, no. He said, well, the night
8 before, I guess earlier in the night, maybe around
9 midnight of that day, said they had been involved in a
10 marital dispute, had some marital problems and they got
11 in an argument. And then he said, then she got in the
12 car and left.

13 I said, okay.

14 Then he says, well, she had been depressed
15 for some time and --

16 Q Is this conversation going on on the phone?

17 A It is going on on the phone.

18 Q So he said she was depressed for a time and
19 then what else?

20 A Yeah, some time. And she left and -- got in
21 the car and left and said she would be gone for a few
22 days, is what he told me.

23 Q Okay. So did he come to the scene?

24 A I did. I requested him to come to the scene
25 to identify the pocketbook, get some information for

1 the report.

2 Q Did he give you information about the car
3 itself?

4 A He did.

5 Q And what was that information, just generally
6 speaking? Was it a 1992 --

7 A Toyota Camry, I believe.

8 Q And he said she left at night?

9 A Yes.

10 Q Was that 1992 Toyota Camry at the Red Roof
11 Inn?

12 A Say it one more time.

13 Q Was that Toyota at the Red Roof Inn?

14 A No, sir, not to my recollection.

15 Q At the scene, face-to-face, did he give you
16 the same story about his wife being depressed and
17 leaving for a couple days?

18 A Yes.

19 Q And you asked that again?

20 A Didn't ask that again. But as part of
21 that -- because there's part of the report that
22 requires me to fill out about the missing person, about
23 medical condition, what she was wearing and stuff like
24 that. So it went right back to marital problems and
25 being depressed.

1 Q So you basically confirmed everything he told
2 you on the phone at the scene.

3 A Yes.

4 Q From your conversation with Mr. Haim, did he
5 make it seem like this decision to leave was somewhat
6 planned based on her depression and the marital
7 problems she had?

8 A It seemed that way.

9 Q Did he ever mention to you that he went
10 looking for her in the middle of the night?

11 A No mention.

12 Q Did the defendant sign your paperwork,
13 indicating that she was a missing person?

14 A Yes, he did.

15 Q Was the defendant able to provide any
16 information about the clothing that Mrs. Haim was
17 wearing?

18 A Just partial. I think he told me it was blue
19 jeans.

20 Q Had no other description?

21 A No, sir.

22 Q After signing your paperwork and saying he
23 didn't remember the clothes other than the blue jeans,
24 did he say anything else to you after, when you were
25 maybe driving him somewhere?

1 A Yeah. On the way down to the station, he had
2 asked me, how long does it take to find a car? Which
3 some people do -- in some cases missing person cases,
4 sometimes they'll ask, how long does it take to find
5 the missing person, or an auto theft case, how long
6 does it take to find my car? So I just kind of took it
7 in jest that he was just asking about the car.

8 Q Do you have an independent memory of that as
9 you sit here today?

10 A Yes, sir.

11 MR. MIZRAHI: That's all the questions I
12 have, Your Honor.

13 THE COURT: Cross?

14 MS. WARREN: Thank you, Your Honor.

15 CROSS EXAMINATION

16 BY MS. WARREN:

17 Q Nice to see you.

18 A How you doing, Counselor?

19 Q Back in '93, you were a street patrol
20 officer, weren't you?

21 A Yes, ma'am.

22 Q You were not part of homicide at that time,
23 were you?

24 A No, ma'am.

25 Q When you got to the Red Roof Inn, did you go

1 to the dumpsters?

2 A I didn't go to the dumpster.

3 Q You never went to the dumpster at all?

4 A You know, it's been 26 years. It's possible.
5 But when they handed me the pocketbook, we weren't at
6 the dumpster.

7 Q When you spoke to Mr. Mullins, who found the
8 purse, did you -- didn't you ask him if the dumpster
9 was open or closed?

10 A I believe so. I believe so.

11 Q Do you remember his answer being closed?

12 A Yes.

13 Q Do you remember two dumpsters being there?

14 A That I don't remember.

15 Q Let me show you what's been previously marked
16 as Defendant's C, ask you if you recognize this
17 picture.

18 MS. WARREN: May I approach, Your Honor?

19 THE COURT: You may.

20 BY MS. WARREN:

21 Q Do you recognize it?

22 A Red Roof Inn.

23 Q Okay. Can you identify for me, please, on
24 that picture where the back of the Red Roof Inn would
25 be?

1 A I know looking at this, I really couldn't
2 tell. I really couldn't tell you.

3 Q Can you identify by looking at that picture
4 where the dumpsters would have been located?

5 A Couldn't tell you that either.

6 THE COURT: Is this in evidence?

7 MR. MIZRAHI: The defense picture is
8 very similar to the State's picture, Your
9 Honor, so I thought for ease, I'd go ahead
10 and put the State's picture up.

11 THE COURT: Would you like to do that,
12 Miss Warren, just so the record is clear
13 which picture we're talking about? If we can
14 reference the State's exhibit, which is now
15 being published to the jury.

16 MS. WARREN: I have no problem with
17 that, Your Honor.

18 THE COURT: Okay. Then what's that
19 exhibit number?

20 MS. WARREN: State's Exhibit No. 5.

21 THE COURT: Okay.

22 BY MS. WARREN:

23 Q Do you recognize that, Mr. Faulk?

24 A Absolutely.

25 Q What do you recognize that to be?

1 A That's the Red Roof Inn.

2 Q And from looking at this picture, Mr. Faulk,
3 can you tell me where the front of the Red Roof Inn
4 would have been? Did you identify that on here on the
5 screen as the front?

6 A Yeah. I circled it right in that area.

7 Q Okay. Do you -- where on this picture would
8 the back of the Red Roof Inn have been? Do you
9 remember stair -- staircases going to the second floor?

10 A No, ma'am.

11 Q Can you show the jury on here, please,
12 Mr. Faulk, where the dumpsters were?

13 A (Complies.)

14 Q Do you also remember a pink shed being next
15 to the dumpsters, by chance?

16 A No, ma'am.

17 Q Mr. Faulk, do you know how far back those
18 woods go behind the Red Roof Inn?

19 A No, ma'am.

20 Q And you called Mr. Haim to tell him you found
21 his wife's purse, correct?

22 A Yes, ma'am.

23 Q And you don't remember having to give him
24 directions on how to get to the Red Roof Inn, do you?

25 A I didn't -- I don't remember that, no.

1 Q But you do remember speaking to him on the
2 phone.

3 A Absolutely.

4 Q And you do not remember going into the room
5 when the contents of the purse were on the bed.

6 A It's been 26 years. I really don't recall
7 that.

8 Q Okay. But you do remember giving the purse
9 to Mr. Haim.

10 A I do remember that.

11 Q Now, Mr. Faulk, there was never an inventory
12 written of the contents of that purse, was there?

13 A Not a complete inventory, no, ma'am.

14 Q Was there any inventory written?

15 A Not with me, no.

16 Q You said you wrote a report at the time.

17 A Yes, ma'am.

18 MS. WARREN: May I approach the witness,
19 Your Honor?

20 THE COURT: You may.

21 BY MS. WARREN:

22 Q Mr. Faulk, let me show you -- for the record,
23 this is a three-page report. Do you recognize that?

24 A I do.

25 Q Is that your signature on the bottom?

1 A Here. And that's Michael Haim signature on
2 the bottom. Right here. Mine would be right here.

3 Q Okay. So did you actually write that report?

4 A I did.

5 Q And you said that you went to the dumpsters
6 and the Red Roof Inn on January 7th of 1993, correct?

7 A I don't remember actually going to the
8 dumpsters personally.

9 Q But you do remember going to the Red Roof Inn
10 on January 7th?

11 A Yes, ma'am.

12 Q Mr. Faulk, could you look at Page 2? What
13 date did you write that report?

14 A 1-7-1993.

15 Q Where it says 1-3-93.

16 A Yes, ma'am. I got 1-3-1993.

17 Q Okay. Does that say you wrote the report on
18 1-3-93?

19 A It does say that.

20 Q Is that your signature next to the date,
21 1-3-93?

22 A That's correct.

23 Q Thank you.

24 And you said that other people ask, how long
25 does it take to find a car, when you're involved in

1 missing person case, correct?

2 A Not always. I mean, some people.

3 Q Some do.

4 A Yeah, sometimes, you know.

5 Q And you didn't think it was odd or strange
6 that Mr. Haim would ask you that question, did you?

7 A Well, at the time, no.

8 MS. WARREN: Thank you.

9 I have no further questions, Your Honor.

10 THE COURT: Redirect?

11 REDIRECT EXAMINATION

12 BY MR. MIZRAHI:

13 Q So, Officer Faulk, in your 31-year career,
14 did you ever write the wrong date down?

15 A Absolutely.

16 Q Okay. In this particular case, did you write
17 January 7th throughout the report except where you
18 signed it?

19 A Yes, sir.

20 Q Could you have written this report before
21 this incident happened?

22 A No.

23 Q That was just a -- I say typographical but it
24 was handwritten.

25 A It's like, you know, you make a mistake

1 typewriting sometimes and you do handwriting. So yes.

2 Q You did do a general inventory of the purse,
3 saying there was credit cards and checkbooks and
4 contents like that.

5 A Yes, sir.

6 Q Also, with regard to handling of the purse,
7 were you aware that the maintenance man had already
8 gone through the purse itself?

9 A Yes, sir.

10 Q So an additional reason not to process it is
11 because he would have handled it.

12 A Right. Would have been -- the only way for
13 me, talk about handling the purse, would have been only
14 way for me to find out who may own the purse. I had
15 to, you know, obviously get inside the purse, you know,
16 find out because like I said, the purse was fully
17 intact, a woman's purse or pocketbook. But it had a
18 purse inside. It had all her information in it and
19 cash. So I had to get inside to try to find out who it
20 belonged to. So yes.

21 Q And Mr. Haim asked you, how long did it take
22 to find a car? Did he ever ask you how long it takes
23 to find his wife?

24 A He never asked me that.

25 MR. MIZRAHI: That's all the questions I

1 have.

2 THE COURT: All right. May this witness
3 be excused?

4 MR. MIZRAHI: He may.

5 THE COURT: Thank you, Mr. Faulk.
6 You're excused.

7 (Witness excused.)

8 THE COURT: State, call your next
9 witness.

10 MR. MIZRAHI: Aaron Fraser.

11 (Witness sworn by the clerk.)

12 MR. MIZRAHI: May it please the Court?

13 THE COURT: Yes, sir.

14 AARON FRASER,

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

17 DIRECT EXAMINATION

18 BY MR. MIZRAHI:

19 Q Please introduce yourself to the jury.

20 A I'm Aaron Fraser.

21 Q And what do you do for living?

22 A Currently, I build docks and bulkheads.

23 Q And how long have you been doing that type of
24 work?

25 A Since August.

1 Q Of 2018?

2 A Correct.

3 Q Before that, what did you do?

4 A I had a lawn business for about four years.

5 Q What was the name of the lawn business?

6 A Coastal Dream Lawn Care.

7 Q Where do you live? Just generally, what part
8 of town?

9 A On the north side.

10 Q And who do you live there with?

11 A My wife.

12 Q And who else? Just the two of you?

13 A Yeah. My parents live very close by. We
14 live -- there's 15 acres there. I live on five and
15 they live up towards the front.

16 Q And what are your parents' names?

17 A Dorothy Jean Fraser and Ronald Fraser.

18 Q And did they raise you?

19 A They did, from the time -- I guess, around
20 four years old.

21 Q And do you know a person by the name of
22 Michael Haim?

23 A I do.

24 Q And how do you know that person?

25 A Legally, he's my biological father.

1 Q Did he raise you from four years on?

2 A No.

3 Q Who was your mother?

4 A Biologically, Bonnie Haim.

5 Q Yes. And that's what I meant, biological.

6 Do you have any memory of Bonnie Haim?

7 A No.

8 Q Do you have any personal memory of her
9 disappearance?

10 A No.

11 Q Do you have any memory of being raised by
12 either your mother -- biological mother or your
13 biological father?

14 A No.

15 Q I want to turn your attention to 2439 Dolphin
16 Avenue. Do you have any memory of living there as a
17 child?

18 A No.

19 Q Are you aware of that residence?

20 A Yes.

21 Q And how are you aware of that residence?

22 A I obtained the property I believe around
23 2003. And it had -- I may be wrong on the date. But
24 it had tenants in it when I -- it was in my possession.
25 And they stayed there until I decided to -- or they

1 moved out. And that's when I decided to renovate it
2 and sell it.

3 Q So I know you're not sure about the date you
4 received it. But were you an adult when you received
5 that property?

6 A No.

7 Q So you were still a teenager?

8 A Correct.

9 Q Okay. But you didn't receive the plot when
10 you were four or five years old.

11 A No.

12 Q And do you know who had the property -- who
13 was the owner of the property before you?

14 A Michael Haim.

15 Q Before December 14th of 2014, did you ever do
16 any kind of digging or repairs in the backyard?

17 A Not in the backyard, no.

18 Q Why did you decide to do all these repairs on
19 the backyard?

20 A 'Cause it was in disrepair, in my opinion.
21 And I wasn't sure at the time if I was going to rent it
22 again or sell it. And it needed to be fixed up. The
23 pool hadn't worked in a couple years. It had settled.
24 The concrete around it had settled and was cracking.
25 It needed to be completely redone or demolished. And

1 it was just more cost effective to dig it up.

2 Q It was cheaper to just take it out and make
3 it grass as opposed to making it a new pool.

4 A Correct.

5 Q And you weren't sure what you were going to
6 do with it after that.

7 A Not at the time, no.

8 Q Can you describe for the jury the condition
9 of the outdoor shower?

10 A I mean, everything about the home looked
11 20 years old plus, wasn't in really good shape. It had
12 a -- bricks was the floor base on it. And there was a
13 steel pipe that went up the wall with a showerhead on
14 it.

15 Q Was there water?

16 A There was not.

17 Q Do you know who the tenants were before you
18 started doing the demolishing?

19 A Ted and Cynthia Mitchell.

20 Q And were they a long-term tenant?

21 A Yes.

22 Q Do you know how long they were there?

23 A Not exactly. But they were there the entire
24 time that I owned the property except for, like, maybe
25 six months prior to doing the renovation.

1 Q And do you know who was there before them?

2 A I'm not aware.

3 Q Did Ted and Cynthia Mitchell originally rent
4 the property from Michael Haim?

5 A Yes.

6 Q And you just let them continue to rent.

7 A Correct. When I obtained it, I wasn't going
8 to kick them out because I was the new owner.

9 Q And did you -- did they leave of their own
10 volition?

11 A Yes. They moved to Fort Worth -- or Fort
12 White. I'm sorry.

13 Q And so then you had it for about six months,
14 and you decided to do these renovations.

15 A Correct.

16 Q So describe for the jury the type of
17 renovations you were doing to the backyard.

18 A Well, I mean, we did everything. We replaced
19 the privacy fence that was in the back. We removed a
20 big tree in the front, an orange tree in the back. The
21 shed that was in the back we got rid of. The pool we
22 got rid of. I got rid of the shower. All the
23 landscaping that was there was all redone.

24 Q And you said "we." Who was helping you?

25 A Well, a lot of people. But at the time, I

1 had the lawn business, and my employees with the lawn
2 business were helping me when we weren't doing grass
3 work, like, on the weekends and stuff. And then my
4 brother-in-law, Thad, was there during the demolition
5 of the pool.

6 Q And were you using heavy equipment to
7 establish this?

8 A Yes.

9 Q Describe that heavy equipment.

10 A It was a mini excavator, a 7,000-pound
11 machine, just a bucket just that you could use to dig
12 with, just so that you could pull the concrete apart.

13 Q And did you -- the shower, the outdoor
14 shower, was actually separate from the pool?

15 A Correct.

16 Q It was its own piece of brick and concrete?

17 A Yeah. There was about 20 foot of grass
18 between the shower and the pool.

19 Q And did you have to not only take up all the
20 pool concrete but end up taking out the brick and the
21 concrete surrounding the shower?

22 A Yes, I did.

23 Q Why did you do that?

24 A Because without the pool, there wouldn't be a
25 purpose for the outdoor shower. So I was just

1 replacing it with grass.

2 Q So you mentioned brick. When you were
3 taking -- were those bricks just kind of loosely placed
4 in this shower area?

5 A No.

6 Q They were -- was there mortar?

7 A They were mortared together.

8 Q So how did you get the bricks out?

9 A About two weeks prior to us demoing the pool,
10 I was there, me and a contractor. I can't remember who
11 it was for. I believe it was for -- we installed a
12 large shower, enclosed shower, inside, and he was there
13 to take measurements for a glass door. I believe
14 that's who I was meeting. It may have been a roofer
15 but I'm not positive. And I was there with one of my
16 employees. And I wasn't sure exactly when the
17 contractor was going to get there, so I was trying to
18 find us busy work to do. So I wasn't paying him to
19 stand around. And I don't like standing around doing
20 nothing. So we took the bricks out because I knew that
21 was something was going to have to happen.

22 Q And so you used a sledgehammer?

23 A We used a sledgehammer.

24 Q What did you notice when you used the
25 sledgehammer on the bricks?

1 A That they began to chip. Some of them stuck
2 together. And then a lot of the pieces of the brick
3 were just loose, flying around.

4 Q And then what did you do?

5 A At that -- at that time, well, we moved -- we
6 put the bricks on the trailer and we took them off.
7 That was all that we did that day.

8 Q Did you notice that under the bricks, there
9 was some concrete?

10 A Yeah. There was a concrete slab poured under
11 the bricks to level the ground.

12 Q Was there something unusual about that slab
13 when you began the process of taking it out?

14 A Yeah. It seemed odd to me. When we rolled
15 the excavator over it to demo the pool, it cracked.
16 And so Thad was on the actual machine, working on pool,
17 and me and one of my employees began to pick up the
18 pieces of concrete that cracked off of it. And we're
19 putting it in the dumpster. We had a dumpster there
20 for the pool demo stuff. And so we were just doing
21 that by hand, just to stay busy.

22 It was thinner -- away from the house, it
23 was the showers up against the house, so the closer we
24 got to the shower, the thicker the concrete got. And
25 inside the concrete towards the house was a bunch of

1 broken brick pieces.

2 Q Approximately how deep was this thin layer of
3 concrete?

4 A Towards the outside of the shower, it was,
5 say, about half an inch, and up against the wall of the
6 house, it was probably three inches.

7 Q Okay. So it's not very deep?

8 A No.

9 Q In fact, the excavator cracked it when it
10 drove over it.

11 A Correct.

12 Q Okay. Did -- eventually, during the process,
13 did you have to -- once you got all the concrete out of
14 there, was there a leak?

15 A Yes. In the thinner part of the concrete
16 where the excavator rode over is what cracked. And I
17 grabbed a sledgehammer and began hitting the concrete
18 to bust up the rest of that it didn't crack. And I
19 noticed that it was getting thicker and thicker and
20 thicker and harder to bust apart with a sledgehammer.
21 And the steel pipe was coming up through the concrete.
22 So I was concerned that if I hit it, it would bust the
23 pipe.

24 And I was just standing there looking at
25 Thad, and he noticed that I was thinking about

1 something. And he said, just hit it. It will be fine.

2 And I hit it and it broke the pipe. And so
3 we stopped what we were doing. Because we were using a
4 concrete saw to cut the pool -- sections of the pool,
5 and you need water to do that so it doesn't create a
6 lot of dust and just blow dust everywhere. And so we
7 had to fix the leak but -- so we could continue to demo
8 the pool.

9 Q How did you go about fixing the leak?

10 A Just had to find the leak first so I started
11 using a shovel to dig the pipe up to find where it was
12 broken.

13 Q Could you tell it was coming from the piping
14 that was basically under the shower?

15 A Yeah. I mean, it was exploding water out of
16 the side. I knew it was there somewhere. I just had
17 to find where.

18 Q And did you eventually shut off the water?

19 A We turned off the water so we weren't making
20 a big mud mess.

21 Q But it was exploding for at least a little
22 while.

23 A Right.

24 Q Tell the jury what you found next.

25 A Well, I was digging the hole. I noticed --

1 at the time, I thought it was a French drain off --
2 'cause on the back side of this wall of the laundry
3 room, I assumed it was a piece of corrugated pipe. And
4 it was -- I've seen, like, septic systems and stuff.
5 They'll put Styrofoam around them and then wrap them in
6 a filter cloth so that the water can seep out but dirt
7 doesn't get in it. So it allows this water to drain.
8 If you have a well or something, you can take that
9 water and run things and not have to pay for sewage all
10 that. So I assumed it was some kind of makeshift
11 French drain.

12 As I was digging the hole, I -- it wasn't on
13 purpose. I accidentally busted the bag. And I saw
14 what I describe as a -- something that looked like a
15 coconut. It was a fibrous material, just, like, a
16 brown coconut.

17 Q The bag, can you describe that a little bit
18 more for the jury?

19 A Yeah. So, I mean, after I busted it and I
20 had my hands on it, I -- I would describe it as
21 Visqueen. I know most people don't know what that is.
22 It's, like, a concrete -- they'll put it underneath
23 concrete so moisture doesn't come up through it. But
24 it's similar to, like, a contractor bag. That's what
25 it appeared to be.

1 Q You thought it had something to do with
2 actual concrete and brick that was protecting the
3 shower or that you were standing off the shower?

4 A Well, I thought -- I thought it was for the
5 French drain for the laundry room.

6 Q So you thought it had something to do with
7 the drainage from the laundry room.

8 A Correct.

9 Q Did you quickly realize that wasn't the case?

10 A It wasn't quick. I picked up the coconut
11 object, and it ended up being the top portion of her
12 skull. I looked at -- I had it in my hand. I didn't
13 really see anything. I handed it to Thad. And he
14 looked back in the hole and we could see teeth. And at
15 that point in time, you could -- you could see the top
16 portion of her eye sockets.

17 Q So had you already driven the shovel into
18 that area?

19 A Correct.

20 Q And so you, in theory, caused at least some
21 damage?

22 A Yeah. We busted the bag and hit the remains.

23 Q So once you start seeing that it's human
24 remains, what do you do?

25 A We sat the top portion of the skull back in

1 the hole, and I called my mom, who I refer to as my
2 mom, Jean Fraser -- I actually call her Mee-Maw; I
3 refer to her as my mom -- to try to get Robbie Hinson's
4 phone number because I knew he was the lead detective
5 on the case. She wasn't home. She was at church.

6 So I called my wife, who obviously's just,
7 like, a half mile away. She went down to my mom's
8 house and got her Rolodex, looked up Robbie's number.

9 I called him. He didn't answer. He was also
10 in church.

11 So I called Alissa back, my wife, asked her
12 to look up Laura Carper's number, who was the
13 psychologist that I had been continuing to see. She
14 had both her office number and her home number. I
15 called her home number. I didn't have these numbers
16 but my -- Jean did. I called it. It referred to me to
17 her cell phone. I called her cell phone and left her a
18 message that I think I might have found my mom and she
19 called back shortly later.

20 In the meantime, Thad called one of his
21 police friends that he goes to church with 'cause we
22 weren't sure exactly what to do. We didn't know
23 whether to call 911 or call somebody that was related
24 to the case. We didn't want a bunch of media there
25 because we -- we'd kind of seen how many media

1 attention it already gotten. We didn't want them to
2 beat the police there.

3 He got a friend of one of his friends, and
4 they called a sergeant on our side of town. And he was
5 the first police officer that showed up.

6 Q Eventually, did Robbie Hinson come?

7 A Yes.

8 Q When you say Ronnie Hinson, did you actually
9 maintain a relationship with him through the years?

10 A Yes. We went to the same church. I went to
11 the First Baptist Downtown through high school and he
12 was also a member. I'd seen him. We didn't -- I mean,
13 we may talk here and there in passing. But I -- he was
14 there every Sunday and I was there every Sunday.

15 Q So you knew who he was, and you knew he was
16 one of the investigators on your mother's case.

17 A Correct.

18 Q And so police came and that's essentially
19 your involvement with regard to finding the body.

20 A Correct.

21 Q Did you eventually get control of the house
22 again when the police were done?

23 A Yeah. It was -- I'm not sure exactly how
24 long, but it was, I would say, probably four or five
25 days later.

1 Q It wasn't just the next day.

2 A No.

3 Q Were you able to complete the renovations and
4 sell the house?

5 A Yes.

6 Q I want to go through some pictures so you can
7 now describe for the jury where you found it. It
8 should come up on your screen. If it doesn't, just
9 touch it.

10 I guess the first picture I want to show you
11 is going to be State's Exhibit 3. This photograph is
12 an aerial of Dolphin Avenue, State's Exhibit 3. And we
13 see the shower area is covered by what appears to be
14 wood planks. Is that the way the shower really was
15 when you completed your renovation?

16 A Not with the wood planks no.

17 Q But is that the general area --

18 A Exact -- exact same area and the same size.

19 Q And can we see sort of the shower with this
20 straight line right here?

21 A Correct.

22 Q Okay. So now fast-forwarding to 2014,
23 State's Exhibit 49, does this fairly and accurately
24 depict the front yard of Dolphin Avenue with your dead
25 mother?

1 A Yes.

2 Q And is that green trailer where you would put
3 portions of the concrete you would cut?

4 A Yes.

5 Q We'll just go through it. State's
6 Exhibit 50, are those the pieces of the pool?

7 A Some of it's the pool and some of it is the
8 shower.

9 Q Okay. And we have good picture, State's
10 Exhibit 51. Is this going to be a picture of the
11 shower and concrete area?

12 A Yes, the shower with broken pieces of bricks
13 in it.

14 Q And can you kind of -- can you show the jury
15 what the bricks are so we know?

16 A It's -- there's just a bunch of little pieces
17 all throughout the concrete.

18 Q And do we sort of see in this photograph that
19 it was thinner as it got further away and thicker
20 closer to the shower?

21 A Yes.

22 Can you go back?

23 Q Yes, sir.

24 A You see, like, this piece right here, how
25 thin that is, that's how it was towards the privacy

1 fence, really thin. This here is all pretty thick.

2 Q Okay. So that would be the -- what we see in
3 State's Exhibit 51, the brick attached was --

4 A That was the stuff that was closer to the
5 house, yes.

6 Q And the thinner parts were easily broken,
7 crumbled into more pieces.

8 A Right.

9 Q As opposed to one giant piece.

10 A Right.

11 Q State's Exhibit 52, is this evidence in the
12 front yard of the demolition?

13 A Yes.

14 Q And we can just run through these. State's
15 Exhibit 54, is this evidence of demolition?

16 A Yes.

17 Q State's Exhibit 56, is this the excavator?

18 A Yes.

19 Q And that's the green piece of machinery?

20 A Correct, right here.

21 Q We'll go to State's Exhibit 58. Does State's
22 Exhibit 58 fairly and accurately depict the area that
23 contained the bricks and the concrete?

24 A Yes.

25 Q So that entire dirt area that we can see in

1 State's Exhibit 58?

2 A That square there.

3 Q So it was more than just a couple feet by a
4 couple feet.

5 A Yeah. I would say five by five.

6 Q And State's Exhibit 59, do we see the shovel
7 that you were using?

8 A Yes.

9 Q And is that -- when you found Bonnie Haim's
10 skull, did you stop digging?

11 A Yes.

12 Q So that's as far as you got, what we see in
13 State's Exhibit 59.

14 A Yes.

15 Q State's Exhibit 60, is that, again, a
16 different angle of how deep you got?

17 A Yes.

18 Q Do we actually see pieces of what turned out
19 to be Bonnie Haim's skull?

20 A Yes.

21 Q They say you tried to put some of it back, or
22 did you just drop it on the ground?

23 A Yeah. I'm not sure. My recollection was we
24 put it back in the hole but I'm not sure.

25 Q Okay. State's Exhibit 61, is that the pipe

1 you were referring to?

2 A Yes.

3 Q State's Exhibit 62, is that going to be the
4 part of the black tarp that you --

5 A Yeah. It's right here.

6 Q And then finally, State's Exhibit 65, is that
7 going to be where you say you saw some form of teeth?

8 A Yes, right there.

9 Q Did you believe that you had found your
10 biological mother at that point?

11 A Yes.

12 MR. MIZRAHI: That's all the questions I
13 have.

14 THE COURT: Cross?

15 MR. FALLIS: No questions, Your Honor.

16 THE COURT: All right. May this witness
17 be excused?

18 MR. MIZRAHI: He may, Your Honor.

19 THE COURT: Thank you, Mr. Fraser. You
20 can step down.

21 (Witness excused.)

22 THE COURT: Call your next witness.

23 MR. MIZRAHI: We'll call Brenda Medders.

24 MR. FALLIS: Your Honor, we would like
25 to proffer Miss Medders before -- outside the

1 presence of the jury.

2 THE COURT: All right. Ladies and
3 gentlemen, I'm going to have you go back to
4 the jury room real quick. We'll be back with
5 you as quick as we can. Don't talk about the
6 case. We'll see you in just you a few
7 minutes.

8 (Jury excused.)

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

11 MR. FALLIS: Your Honor --

12 THE COURT: While we're waiting for
13 Miss Medders, what's the issue here? Why do
14 you want to proffer?

15 MR. FALLIS: I want to proffer, Your
16 Honor, for the purpose of possibly avoiding
17 any mistrials. There was a pretrial ruling.

18 THE COURT: I don't think anybody can
19 hear you. I can hear you but nobody else can
20 hear you.

21 MR. FALLIS: All right. Where would you
22 like me to stand?

23 THE COURT: You're fine there.

24 MR. FALLIS: All right. We had some
25 pretrial motions which the Court had granted

1 pretrial, and I want to make sure we don't
2 run afoul of those motions. We don't --
3 possibly cause a mistrial. And so I want to
4 make sure that whatever we're going to be
5 discussing, Judge, doesn't run afoul.

6 As you recall, Judge, the only statement
7 that you said you were going to allow in
8 Miss Medders' testimony was, quote, end
9 quote, Daddy hurt Mommy. That is what you
10 order states, correct, Your Honor?

11 All the other statements that were
12 made -- allegedly made by the child you ruled
13 inadmissible.

14 THE COURT: My order states the State
15 may elicit, during its case in chief,
16 testimony that Aaron Haim told Brenda Medders
17 during an interview on January 8th, 1993,
18 that he had witnessed his father hurt his
19 mother.

20 MR. FALLIS: Right. Daddy hurt Mommy
21 was what the State --

22 THE COURT: Sorry? Yes.

23 MR. FALLIS: Okay. Well, Your Honor, I
24 don't believe that that statement, number
25 one, was ever made. And I'd like to proffer

1 Miss Medders before -- strictly on that one
2 issue as to whether that statement was ever
3 made; Daddy hurt Mommy.

4 THE COURT: Well, I --

5 MR. FALLIS: I suspect the --

6 THE COURT: We had a hearing on that,
7 where I accepted -- I think purpose of that
8 was to -- well, let me hear from Mr. Mizrahi.
9 My understanding is I ruled on this with that
10 understanding already, another motion in
11 limine.

12 MR. MIZRAHI: Correct. There was a
13 second motion in limine on this exact issue.
14 I don't feel a need to have to re-proffer
15 Brenda Medders' testimony. I will tell
16 you -- read directly from my questions what I
17 anticipate the answers being from
18 Miss Medders, which I think 100 percent
19 comports with Your Honor's order, which is
20 did Aaron indicated that his mother was hurt?
21 Yes. Did he identify the person who hurt his
22 mother? Yes. Who did he identify? His dad.

23 THE COURT: Right. That -- that
24 question and answer would be consistent with
25 my order.

1 MR. MIZRAHI: Correct.

2 MR. FALLIS: Okay. There's no statement
3 there that says, Daddy hurt Mommy, Your
4 Honor, quote, end quote. And that's what
5 we're talking about.

6 THE COURT: No. I understand that. But
7 you filed a subsequent motion in limine
8 making the exact argument. I did consider
9 that and made a ruling denying your motion.
10 So --

11 MR. FALLIS: Once again, not to run
12 afoul of your ruling, are we going to -- is
13 that going to be the extent of the State's
14 testimony on this matter?

15 MR. MIZRAHI: Yes.

16 MR. FALLIS: Well, I want to make sure,
17 Judge, so we don't have a problem here.
18 Okay?

19 THE COURT: We don't want to have a
20 problem.

21 MR. FALLIS: Okay. You agree with that.

22 THE COURT: I agree.

23 I'm ready to bring the jury back in so
24 we can continue with the trial.

25 MR. FALLIS: Right. Well, I want to --

1 I don't want to be accused of opening doors
2 if I explore that and I ask questions like
3 did the child say when Daddy hurt Mommy or
4 that sort of thing. I don't think I would be
5 opening any doors. And I hope that --

6 THE COURT: I will say this: There was
7 testimony from Miss Medders in her deposition
8 or her statement from 1993 that he said other
9 things. Daddy shot Mommy. Daddy ran Mommy
10 over, that he pushed her down. I'm not
11 making any ruling about whether or not you
12 could open the door to those things. I --
13 we'll have to cross that bridge if and when
14 we come to it.

15 I would ask Mr. Mizrahi, though, if that
16 looks like that's about where we're going, we
17 need to stop and send the jury out. Okay?

18 MR. MIZRAHI: Yes, sir.

19 THE COURT: I will be prepared to make a
20 ruling, if necessary, about whether or not
21 you've opened any door or whether or not you
22 wish to cross examine her on any of those
23 things. But I can't make a ruling now
24 because I don't know what the questions are.

25 MR. FALLIS: Your Honor, well, I'm going

1 to renew my objection, Your Honor, to your
2 order and ask that Miss Medders' testimony
3 not be allowed, just make sure I renewed my
4 objection to preserve the record.

5 THE COURT: No, sir. I appreciate that
6 but I stand by the rulings that I've made on,
7 I think, two different motions in limine.
8 All right, sir?

9 Are we ready to bring in the jury?

10 MR. MIZRAHI: We are. Miss Medders is
11 here.

12 THE COURT: Why don't we --
13 Miss Medders, stay right there. When the
14 jury comes in, you can come up and be sworn.

15 THE WITNESS: Yes, sir.

16 THE COURT: All right. Bring in the
17 jury.

18 (Jury present.)

19 THE COURT: Take your seats. Thank you.
20 Welcome back. We're ready to continue on
21 with the trial.

22 Next witness.

23 MR. MIZRAHI: Your Honor, Miss Medders
24 is in the courtroom. Brenda Medders.

25 (Witness sworn by the clerk.)

1 MR. MIZRAHI: May it please the Court?

2 THE COURT: Yes, sir.

3 BRENDA MEDDERS,

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

6 DIRECT EXAMINATION

7 BY MR. MIZRAHI:

8 Q Please introduce yourself to the jury.

9 A My name is Brenda Medders.

10 Q What do you do for a living, Miss Medders?

11 A I'm a social worker.

12 Q How long have you been a social worker?

13 A Oh, since 1991.

14 Q What are your current duties as a social
15 worker?

16 A I'm a master degree social worker currently
17 with Apex Home Health and Doctors Choice Home Health
18 and St. Vincent's Home Health.

19 Q So you help people with health problems
20 figure out what their living and home health
21 arrangements will be?

22 A Yes, sir. I help seniors once they're
23 getting out the hospital, help get them resources to
24 help them stay in the home.

25 Q Is also part of your employment background

1 that you did work with children?

2 A Yes, sir.

3 Q When was that part of your career?

4 A In 1991, I worked at the Child Protection
5 Team, and then I worked for the State Attorney's
6 Office, working with victims. And then I also worked
7 at a program through the military, which was a child
8 abuse prevention program. So several years working in
9 the child abuse industry with children.

10 Q It sounds like it was early in your career
11 that you dealt with --

12 A Yes, sir.

13 Q I want to turn your attention back to 1993.
14 Were you employed at the Child Protection Team in 1993?

15 A Yes, sir.

16 Q What is the Child Protection Team?

17 A It's an independent agency that does forensic
18 interviews and medical exams of children that are
19 suspected of being abused, for the Department of
20 Children and Families, which used to be called "HRS,"
21 and for the Sheriff's Office.

22 Q Is it common for the Child Protection Team to
23 conduct interviews of young children?

24 A Yes, sir.

25 Q And is that in cases where they may not

1 actually be a victim, but they may have witnessed a
2 violent crime?

3 A Yes, sir, occasionally.

4 Q And why does the Child Protection Team get
5 involved in that as opposed to a big sheriff's officer
6 questioning the child?

7 A Because we interview children in a childlike,
8 friendly environment that would make them feel more
9 comfortable, a lot less like what they have at the
10 Sheriff's Office.

11 Q And is that -- what was your job at the Child
12 Protection Team?

13 A I was a case coordinator and I was an
14 interviewer. I would do forensic interviews of
15 children that had been suspected of abuse or had
16 witnessed some type of incident.

17 Q So you had work experience in interviewing
18 small children about delicate subjects.

19 A Yes, sir.

20 Q Did you receive training on that?

21 A Yes, sir.

22 Q Back in 1993, was it the policy of the Child
23 Protection Team to video record these interviews?

24 A Not at that time.

25 Q Did it change later that you know of?

1 A So I learned. Not while I was there but yes,
2 sir, it did change.

3 Q So while you were there, the policy was not
4 to record.

5 A That's correct.

6 Q How would you later document what happened in
7 an interview if you were not video recording?

8 A I would take notes right after the interview,
9 and I would also -- sometimes the detectives would take
10 notes behind the glass. They would view the interview.
11 We had a one-way mirror type situation where they could
12 view in another room and sometimes they would take
13 notes.

14 Q Would you use those notes as well as your own
15 notes and memory to compile a report?

16 A Yes, sir.

17 Q And did that happen in this particular case
18 involving Aaron Haim?

19 A Yes, sir.

20 Q And when did you interview Aaron Haim?

21 A I interviewed him on January the -- I believe
22 it was the 8th.

23 Q And have you had an opportunity to review
24 your typewritten report?

25 A Yes, sir, many, many reports.

1 Q Yes, ma'am. And if you just -- if there's
2 ever a time you need to refresh your memory, just let
3 us know. Okay?

4 A Okay.

5 Q You did interview him on the 8th.

6 What was Aaron's age?

7 A He was three and a half at that time.

8 Q And do you remember his date of birth?

9 A I believe it was '89, was the year he was
10 born.

11 Q If you could look at your report to refresh
12 your memory about what the date of birth is of Aaron.

13 A Sure. 8-29-89.

14 Q Okay. And when so you would have interviewed
15 him, he would have been almost three and a half.

16 A Yes, sir.

17 Q Was Aaron age-appropriate?

18 A Yes.

19 Q Was he able to answer questions that you
20 posed to him?

21 A Yes, sir.

22 Q Was it difficult to get Aaron to focus?

23 A Yes, sir.

24 Q And was that unusual for a child his age?

25 A No.

1 Q Were there other people that were there with
2 him to try to help Aaron and his family?

3 A Yes, sir. There was the maternal
4 grandmother, the paternal grandmother and the paternal
5 aunt. Maybe the paternal great aunt, I believe, is
6 what she was.

7 Q There were several older women that were
8 there with Aaron as support for him.

9 A Correct.

10 Q Was also -- and did it appear that Aaron was
11 hungry?

12 A Yes.

13 Q Did he -- after he was given food, did he
14 become more responsive to your questions?

15 A Yes, sir.

16 Q Now, if a child -- it's difficult to get a
17 child to speak, sometimes you have to prompt the child
18 to answer questions that you want him to answer --

19 A Yes, sir.

20 Q -- without giving him the specific answers?

21 A Exactly, yes, sir.

22 Q Okay. Is the best way to interview or at
23 least -- strike that.

24 In a perfect world, do you just sit down and
25 let the child talk?

1 A Of course.

2 Q And is it common for children to just sit
3 down and talk if they're older?

4 A Yes, sir.

5 Q With this child, he wasn't just going to sit
6 down and talk.

7 A No, sir.

8 Q And you had to ask him questions.

9 A Yes, sir.

10 MR. FALLIS: Object to leading, Your
11 Honor.

12 THE COURT: Sustained.

13 BY MR. MIZRAHI:

14 Q So after he was fed, did Aaron indicate that
15 his mother had been hurt?

16 A Yes, he did.

17 Q And did he identify who did that to his
18 mother?

19 A Yes, he did.

20 Q And who did he say?

21 A His daddy, his father.

22 MR. MIZRAHI: That's all the questions I
23 have.

24 THE COURT: Cross?

25 CROSS EXAMINATION

1 BY MR. FALLIS:

2 Q Good afternoon, Miss Medders.

3 A Good afternoon.

4 Q Miss Medders, at the time that you did this
5 interview in 1993, you weren't licensed in anything,
6 were you?

7 A No, sir. I had a bachelor's degree in social
8 work.

9 Q And you had been working maybe about a year
10 at CPT at the time?

11 A It was a year and five months, yes, sir.

12 Q Okay. And you said that -- you talked about
13 some of the protocol about interviewing children.
14 Isn't it true that you should always try to establish,
15 when you interview children, whether or not they know
16 what the truth is as opposed to a lie?

17 A No.

18 Q That's not the protocol?

19 A It's not always. You typically try to but
20 with young children, sometimes that's difficult.

21 Q And you didn't do that in this case, did you?

22 A No, sir.

23 Q As a matter of fact, if -- whatever you did
24 in this case would have been in your report that was
25 dated February 5th of 1993, correct?

1 A Yes, sir.

2 Q And if it's not in your report, that means it
3 didn't happen.

4 A Correct.

5 Q So you would agree, in your report, there is
6 no mention about you trying to determine whether or not
7 little Aaron Haim knew the difference between telling a
8 fib and telling the truth.

9 A No. We didn't ask that question.

10 Q He was not asked that question. So you never
11 determined at that time whether or not he knew the
12 difference.

13 A We did not ask that question.

14 Q Right. The way you do that normally is you
15 show a child something, say, is this black; is this
16 white. I mean, how would you do it? 'Cause I'm sure
17 you've done it hundreds of times while you were there.

18 A I did go over colors with him and animals.
19 And he was able to correctly identify colors, and he
20 was able to correctly identify animals and puppets, I
21 did do that with him during the interview.

22 Q Correct. You never said, if I said -- if I
23 told you, Aaron, this was red, would I be telling you a
24 truth or would I be telling you an untruth. You didn't
25 do any of that, did you?

1 A No, sir.

2 Q Now, you said that he indicated that --
3 quote, that Daddy had hurt Mommy. Okay? Now, you
4 never determined, did you, as to what he was talking
5 about time-wise?

6 MR. FALLIS: Do I have an objection,
7 Judge?

8 THE COURT: I haven't heard one.

9 BY MR. FALLIS:

10 Q You didn't try to establish time-wise when,
11 quote, Daddy hurt Mommy, did you?

12 A I did ask, was it during the daytime or
13 nighttime? And he said, nighttime.

14 Q Okay. But you didn't try to establish
15 whether it was yesterday or a year ago, six months ago,
16 a week ago, did you?

17 A No, not -- due to his age.

18 Q So we have no idea what time from your
19 interview that he's referring to, do we?

20 A Just nighttime is the only thing I
21 identified.

22 Q Okay. Now, that poor child was there for
23 close to six hours, wasn't he?

24 A That's not my recollection.

25 Q Five hours?

1 A I believe the reports all indicate around
2 three, and we didn't do a three-hour straight
3 interview. We stopped and took breaks and then started
4 again.

5 Q Okay. Even three hours for a
6 three-and-a-half-year-old, you would agree that could
7 be pretty stressful.

8 A If we had done it in -- beginning to end,
9 three and a half hours, not allowing him to take
10 breaks, not spending a lot of that time playing and
11 talking, yes, that could be very difficult.

12 Q But you have this child away from his home,
13 don't you, and in an environment he's never been in
14 before, is that correct?

15 A He'd never been there before, no.

16 Q You would agree that could be stressful for a
17 child.

18 A Anytime you're interviewing a child, it can
19 be stressful, yes, sir.

20 Q And you would agree that it could be a time
21 of confusion for a child as well. Can't it be?

22 A I wouldn't say there was anything confusing,
23 no, sir.

24 Q You would agree this child was very hungry
25 and he got cranky and he needed to eat, right?

1 A Yes, sir. And we stopped and he ate and took
2 a long break.

3 Q I didn't say you didn't. But wasn't he
4 hungry and cranky and wanted to eat?

5 A Yes, yes.

6 Q Now, at that time, were you familiar with the
7 protocols of interviewing children as were prescribed
8 by these -- CPT department, I would call it?

9 A Can you say that again, sir? I'm sorry.

10 Q Yeah. There was certain protocols that were
11 written protocols on how to do interviews by --
12 propagated by CPT, were there not?

13 A Yes, sir.

14 Q Were you familiar with them?

15 A Yes, sir.

16 Q And doesn't it say in the protocols that you
17 should, number one, determine whether a child knows the
18 difference between a truth and a lie right up front?

19 A That's not typically what we do, no, sir, not
20 right up front.

21 Q The protocols ask for that, don't they?

22 A We often did ask truth and a lie, but a lot
23 of times, it depended on the child's age and their
24 ability.

25 Q Well, protocols don't tell you, hey, you

1 don't do it to a three-and-a-half-year-old. They say
2 you should do it and just do it. That's what they tell
3 you to do. And you're saying you didn't do it and I
4 understand that. 'Cause you didn't think it was
5 appropriate, maybe. That's not what the protocols say,
6 though.

7 All right. Let me follow up on that. Okay?
8 And you didn't think it was important at that time of
9 the interview to determine when the time he was
10 relating to you occurred, did you?

11 A I asked him, I believe, in our report about
12 when did it happen and he said nighttime.

13 Q Okay. But that's as far as you went.

14 A That's all that I have in the report is that
15 he said nighttime.

16 Q Like you said, if it's not in the report, it
17 didn't happen, right?

18 And while you were doing this interview,
19 there was a detective who was looking through a, I
20 guess, two-way glass partition or something at the same
21 time --

22 A Yes, sir.

23 Q -- and observing?

24 Now, he wasn't there for the whole time was
25 he? He had gone in and out, is that --

1 A He was there when I was interviewing as far
2 as I knew. I don't know. You might need to ask him
3 that question. I'm not sure, sir.

4 Q Other than nighttime, you did nothing further
5 to ascertain when the events occurred, is that a fair
6 statement?

7 MR. MIZRAHI: Your Honor, I would object
8 to asked and answered.

9 THE COURT: Sustained.

10 BY MR. FALLIS:

11 Q I also asked you -- well, let me ask you
12 this: Is it important for you to ask a child whether
13 or not he has been coached for his interview?

14 A Typically, a three-and-a-half-year-old child,
15 you're trying to gather as much information as you can.
16 Trying to ask a three-and-a-half-year-old if he's been
17 coached is not something that a
18 three-and-a-half-year-old would understand.

19 Q Are you saying that a three-year-old would
20 not ask -- understand? If you were to ask him, did
21 anybody tell you to say what you're telling me now, a
22 three-and-a-half wouldn't understand that, meaning have
23 you been coached? I would not say -- use the word
24 "have you been coached," but there's other ways you can
25 relate to a three-and-a-half-year-old to determine

1 whether that somebody had coached him to say what he
2 said. Isn't that true?

3 A What we typically do is to try to get as much
4 spontaneous responses and as much details as we're able
5 to from a three-and-a-half-year-old child.

6 Q Well, I appreciate that, ma'am. But I'm
7 asking whether or not it's important or not that you --
8 actually, you didn't think at that time it was
9 important to determine whether he had been coached, is
10 that true or not?

11 A Can you ask that question again?

12 Q Sure. At the time you interviewed Aaron
13 Haim, you didn't think it was important to ask him
14 whether he had been coached or not.

15 A No.

16 Q No, what? You didn't think it was important?

17 A I didn't ask him that question.

18 Q And the follow-up question was because you
19 didn't think it was important.

20 A I tried to gather as much details as I could.

21 Q Okay. That's not my question, ma'am. If I
22 have to rephrase, I'll be happy to do that.

23 A Okay. That will be good.

24 Q I'm sorry?

25 A That would be good.

1 Q Okay. The reason you didn't ask him was
2 because you didn't think it was important to ask him
3 whether he had been coached, correct?

4 A No.

5 Q Okay. Ma'am, do you recall giving a
6 deposition on October 18th, 2017, and being asked this
7 question and giving this answer? Question: Now, I
8 think we've already determined. And then I ask you
9 once again. I believe it's in your deposition. I
10 asked you on Page 20 of your deposition --

11 MR. FALLIS: Referring to Page 40,
12 Counselor.

13 BY MR. FALLIS:

14 Q -- whether or not you thought it was
15 important to ask a child if somebody had coached him on
16 his testimony. And I asked you: Did you ask the child
17 that?

18 And your answer was: No.

19 That was your response to whether you thought
20 it was important.

21 MR. MIZRAHI: Object to improper
22 impeachment.

23 THE COURT: Sustained.

24 BY MR. FALLIS:

25 Q Would it help to refresh your recollection if

1 I give you this? Have you had a copy of your
2 deposition, ma'am?

3 A Yes, sir. I have it right here.

4 Q You have it before you?

5 A Uh-huh.

6 Q Will you turn to Page 40 then.

7 Now, when I asked that -- I asked you on
8 Page 120, referring to a prior deposition you had given
9 in another proceeding, correct?

10 A I've given several depositions. I'm not sure
11 what you're referring to. What's your question, sir?
12 I'm sorry.

13 Q We're trying to determine if you thought it
14 was important to ask the child and ascertain whether he
15 had been coached or not. And I believe your response
16 was no. You never asked him that and you didn't -- in
17 the context of it, you didn't think it was important.

18 Once again, I'll repeat and go through it
19 again. I asked you on Page 120, prior deposition --

20 THE COURT: I sustained that objection.

21 Mr. Fallis, I sustained that objection.

22 MR. FALLIS: I'm sorry?

23 THE COURT: I sustained that objection.

24 MR. FALLIS: The objection was?

25 THE COURT: Improper impeachment.

1 MR. FALLIS: Well, I asked -- I'm
2 refreshing her recollection, Your Honor.
3 She's got a copy of her deposition.

4 THE COURT: Well, ask her -- ask her
5 that question.

6 MR. FALLIS: And I did. I told her to
7 go to Page -- where it is.

8 THE WITNESS: Which deposition, sir?
9 We've done so many different hearings and
10 depositions. I'm not sure which one you're
11 referring to.

12 BY MR. FALLIS:

13 Q All I'm asking you right now, ma'am, is to
14 refer to Page 40 of your last deposition.

15 A The last one. In 2017?

16 Q Yes, ma'am.

17 A Okay.

18 Q I asked you if you had that deposition. Do
19 you have it?

20 A Yes, I have that one. Yes, sir.

21 Q Okay.

22 MR. MIZRAHI: Your Honor, can we
23 approach? I object.

24 THE COURT: All right. Come to sidebar.

25 (The following sidebar conference was had out

1 of the hearing of the jury:)

2 THE COURT: All right. We're at the
3 sidebar. The question is do you think it was
4 important to ask whether --

5 MR. FALLIS: The child has been --

6 THE COURT: Coached. And she said no.
7 Is there something that she has said that's
8 contrary to that? 'Cause when you read that
9 deposition, it did not sound like that was
10 the answer.

11 MR. MIZRAHI: Well, the question that he
12 gave in the most recent deposition referred
13 to other sworn testimony that the witness was
14 giving, and then she goes on to explain after
15 there was probably a 15-part question that
16 Mr. Fallis asked, where she answers the
17 question.

18 MR. FALLIS: Where?

19 MR. MIZRAHI: Page 41. Begins Page 40,
20 about an entire page of a question. And then
21 the question: Okay. So would you agree it's
22 important for you to determine whether or not
23 he was coached or not when he gave the
24 statement?

25 Answer: Right. Because most children

1 are not going to tell you that I was coached
2 or say this or say that.

3 Question: Okay. Are there ways to
4 determine whether or not they're coached and
5 whether or not they'll tell you or not?

6 Answer: That's what I already put this
7 in that report, which was to gather as many
8 details as you can.

9 It's the same stuff she's saying right
10 now.

11 THE COURT: I don't think that was
12 directly contrary to what she said on the
13 stand. If you've got a point in the
14 deposition or some other transcript where she
15 said, I do think it's important to ask
16 them --

17 MR. FALLIS: I don't have that.

18 THE COURT: -- if they've been
19 coached -- well, then it's not impeachment.

20 MR. FALLIS: She just said that --

21 THE COURT: Impeachment is she has said
22 one thing in court --

23 MR. FALLIS: Right, correct.

24 THE COURT: -- and she said something
25 completely different out of court at another

1 time. You haven't shown me --

2 MR. FALLIS: I asked her whether she
3 said in this deposition whether she thought
4 it was important or not. That's all I asked
5 her. Okay?

6 THE COURT: Right.

7 MR. FALLIS: And she said no, it
8 wasn't -- it was not important.

9 THE COURT: Consistent with what she
10 said in court. So it's not impeachment.

11 MR. FALLIS: Okay. So -- well --

12 THE COURT: Am I missing something?

13 MR. MIZRAHI: No.

14 MR. FALLIS: If I had the other
15 deposition --

16 THE COURT: Well, if you've got
17 somewhere where she said something
18 inconsistent, you can impeach on that. But
19 from what you've read about her March -- the
20 2017 deposition, she's not been inconsistent.

21 MR. FALLIS: So she -- her testimony
22 right now is she doesn't think it's
23 important.

24 THE COURT: That's what she said.

25 MR. FALLIS: Okay.

1 THE COURT: End of sidebar.

2 (At the conclusion of the sidebar conference,
3 the following further proceedings were had in the
4 presence of the jury:)

5 BY MR. FALLIS:

6 Q Ma'am, just to sum up what we just said and
7 make sure it's clear in front of the jury and to all
8 involved, you don't think it's important to determine
9 whether that child or a child has been coached,
10 correct?

11 A That's not true.

12 Q Okay. How about in this particular case?
13 Did you not think it was important?

14 A I would not use that term. It wasn't that I
15 didn't think it was important.

16 Q Say it again?

17 A I said I didn't say that I didn't think it
18 wasn't important.

19 Q It wasn't done in this case, was it?

20 A No, sir.

21 Q And the reason it wasn't done is because?

22 A The child's age. I tried to gather as much
23 facts as I could, which gave me lots of facts.

24 Q In three and a half hours, are you saying you
25 couldn't find out whether or not this child had been

1 coached or not? Was the child difficult?

2 A Due to his young age.

3 Q Did you think the child wasn't bright enough
4 to answer that question?

5 A That's not the term I would use.

6 Q What term would you use?

7 A What I was trying to do was gather as many
8 facts as I could, which he gave me many.

9 Q But not in that much detail, though, correct?
10 Because you didn't determine as to what the time of
11 this alleged hurting occurred.

12 A He was able to tell me nighttime.

13 Q Okay. And that's the extent of it, right?

14 A Yes, sir.

15 MR. FALLIS: No further questions,
16 Judge.

17 THE COURT: Any redirect?

18 MR. MIZRAHI: Just briefly.

19 REDIRECT EXAMINATION

20 BY MR. MIZRAHI:

21 Q Mr. Fallis asked you questions about --
22 repeatedly about the timing of it, and you indicated
23 that the child said nighttime. In your training and
24 experience and background, do children at approximately
25 three years of age understand the concept of time like

1 adults do?

2 A No, sir.

3 Q They have a difficult time expressing to you
4 days of the week and --

5 MR. FALLIS: Objection, leading. Excuse
6 me. And she has not -- she has expertise.
7 She has not been qualified, Your Honor, you
8 know, to give that opinion.

9 THE COURT: Okay. As to both grounds,
10 I'll overrule the objection.

11 BY MR. MIZRAHI:

12 Q Would a child, in your training and
13 experience and background, have the ability to give you
14 days of the week and months of the year and things like
15 that, you know, like an older child would or like an
16 adult?

17 A Correct. They're not -- they have difficulty
18 with that at that age.

19 Q And the most that you got was the nighttime.

20 A Correct.

21 MR. MIZRAHI: That's all the questions I
22 have.

23 MR. FALLIS: I need to follow up that,
24 Judge.

25 THE COURT: Briefly, yes, you may, on

1 that issue.

2 MR. FALLIS: Briefly.

3 RECROSS EXAMINATION

4 BY MR. FALLIS:

5 Q Ma'am, you could have asked this child or any
6 child to try to get a time sequence, did this happen at
7 Christmastime, which is usually an event children
8 remember. That could give you a time frame, correct?

9 A Yes. For an older child, yes, sir.

10 Q I'm sorry?

11 A Yes. For an older child, yes, sir.

12 Q But not a three-and-a-half-year-old? You
13 don't think a three-and-a-half-year-old would remember
14 when Christmas was?

15 A Typically, it's hard for them to come up with
16 time frames.

17 Q I'm talking about holidays. I'm not asking
18 you, Aaron, tell me the month. I wouldn't expect that.
19 I'm saying but an event like Christmas, a birthday,
20 that sort of thing to try to determine. You would
21 agree children can relate to that, can't they?

22 A Three-and-a-half-year-olds have a very
23 difficult time in giving you any type of significant
24 time frame.

25 Q Do they have a difficult time remembering

1 things like Christmas and birthdays?

2 A How long ago that was, yes, sir.

3 Q Just a Christmas, could you ask him, do you
4 remember Christmas? Yeah. Did this happen at
5 Christmas? Did it happen before Christmas? You could
6 have asked that child that -- couldn't you? -- if you
7 wanted to truly determine a time frame.

8 A I didn't ask that.

9 Q I understand. Thank you.

10 A It's not in the report.

11 Q Oh, another thing. It was --

12 MR. FALLIS: No further questions.

13 THE COURT: All right. May this witness
14 be excused?

15 MR. MIZRAHI: She may, Your Honor.

16 THE COURT: Miss Medders, you're
17 excused.

18 THE WITNESS: Can I leave completely or
19 do I need to stay?

20 MR. MIZRAHI: She does not need to stay
21 for the State. From the State's perspective,
22 she can remain in the courtroom if she wants.

23 THE COURT: All right. There's your
24 answer, Miss Medders.

25 (Witness excused.)

1 THE COURT: State, call your next
2 witness.

3 MR. MIZRAHI: State calls Frank Japour.

4 THE BAILIFF: He's not here, Judge.

5 MR. MIZRAHI: We'll call Sergeant Hayes.

6 THE BAILIFF: The first one's coming
7 down the hall now. Which one do you want?

8 MR. MIZRAHI: Whoever wants to first can
9 come on in.

10 Frank Japour is the winner, Judge.

11 (Witness sworn by the clerk.)

12 MR. MIZRAHI: May it please the Court?

13 THE COURT: Yes, sir.

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

17 DIRECT EXAMINATION

18 BY MR. MIZRAHI:

19 Q Please introduce yourself to the jury.

20 A Good afternoon. My name is Franklin Japour.

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

22 A I'm the executive director of a charitable
23 foundation.

24 Q How long have you been the executive director
25 of that charitable foundation?

1 A Since 2003.

2 Q What's the name of it?

3 A The Joseph and Gertrude Larose Foundation.

4 Q Prior to that, how were you employed?

5 A I was -- well, I was also employed as a
6 parish administrator at Christ the King Catholic Church
7 for about ten years, 2004 to 2014.

8 Q Prior to those employments, how were you
9 employed?

10 A I was employed with the Jacksonville
11 Sheriff's Office.

12 Q How long were you employed with the
13 Jacksonville Sheriff's Office?

14 A 33 years.

15 Q Give the jury an idea of what your career
16 spanned from the Jacksonville Sheriff's Office?

17 A I spent the first three years in patrol and
18 was transferred to the detective division in 1973. And
19 from then until about 1989, I worked in various units
20 within that division -- burglary, sex crimes, missing
21 persons, liaison with the Medical Examiner's Office,
22 professional standards, internal affairs and homicides.
23 And I spent most of that time as a homicide detective.

24 Q And were you promoted to the rank of
25 sergeant?

1 A I was, in 1989. And in keeping with company
2 policy, went back to the street for a year and then
3 returned as a supervisor in the homicide unit.

4 Q Back in 1993, can you give the jury an idea
5 of how the homicide unit operated? In other words, was
6 there a sergeant, detectives, how y'all operated as a
7 team, things like that.

8 A Yes. We had four teams at the time. There
9 were four sergeants and four-man teams. And we would
10 be assigned cases on a team basis, rotating schedule.
11 So as homicides occurred, if my team was up, we would
12 respond, et cetera.

13 Q And would one of the members of the homicide
14 team eventually become lead on a particular homicide?

15 A Yes. That would typically be the way that
16 would happen.

17 Q And then the group of four detectives and one
18 sergeant would begin the process of investigation.

19 A Generally, yes.

20 Q Can you explain to the jury how missing
21 persons would sometimes interact with homicide?

22 A Well, if there were a missing person with
23 unusual circumstances, it might cause concern that it
24 could be investigated ultimately as a homicide. We
25 would collaborate with the missing persons unit. We

1 would work with them on an administrative basis,
2 assisting them.

3 Q Was it -- I mean, so missing persons cases
4 would not automatically come to homicide.

5 A No. Typically, no. Only if they were are
6 there were unusual circumstances which might suggest
7 that the missing person could be in danger.

8 Q And, in fact, based on your training and
9 experience, do a lot of -- vast majority of missing
10 person cases, are those people found?

11 A Yes, they are. Most missing persons are
12 located.

13 Q They're not victims of homicide.

14 A That's correct.

15 Q And that's why you don't get every missing
16 person case.

17 A That is correct.

18 Q So how did you become involved in the
19 disappearance of Bonnie Haim? Explain that for the
20 jury.

21 A I was working in the unit, the homicide unit,
22 at the time that Miss Haim was reported missing or
23 disappeared. And I was in the homicide office that
24 afternoon, which would have been the 7th of January, I
25 think, of 1993. And it was 4:00, 4:30 in the

1 afternoon. And one of my team members, Roger Howson
2 (phonetic), and I were in the office. And missing
3 persons detective Tommy Morgan came in with Mr. Haim.
4 I beg your pardon. Yes, Mr. Haim. And I assigned
5 Roger Howson to assist Tommy Morgan, because of the
6 unusual circumstances, to work with Tommy for an
7 interview of Mr. Haim.

8 Q Subsequent to that, did you determine it
9 would be better for another team to handle this case?
10 Did you eventually assign it to Robbie Hinson?

11 A Well, after the interview with Detective
12 Morgan and Detective Howson was terminated, I appointed
13 or assigned, if you will, Robbie Hinson, Detective
14 Robbie Hinson, to assist Detective Morgan further as
15 the investigation was going. It obviously continued
16 thereafter because of all the, you know, unresolved
17 issues. So Detective Hinson, although he did not work
18 directly for me, was assigned administratively to
19 assist Detective Morgan in -- in that unit.

20 Q Did you respond personally to the Red Roof
21 Inn?

22 A I did not.

23 Q I want to fast-forward a day to January 8th.
24 Were you still involved in the case of the
25 disappearance of Bonnie Haim?

1 A Yes, I was.

2 Q Did you go to the Dolphin Avenue address on
3 January 8th, 1993?

4 A Yes, I did.

5 Q Is that because you just -- members of the
6 Jacksonville Sheriff's Office tried to help each other
7 out?

8 A No. Well, that. But it was all part of the
9 continuing investigation on the 7th. I was continuing
10 to assist. I spoke with several people that evening,
11 including Mr. Haim. Let's see. There's John and his
12 brother.

13 Q So even on the 7th --

14 A Spoke with him by phone. Okay? Spoke with
15 him by phone that night, John's brother, Bernie Haim.
16 Thank you. Spoke Bernie Haim by phone and from what I
17 learned, it was appropriate that I would go with the
18 other detectives out to the house the following day to
19 help them.

20 Q 'Cause you had some working knowledge of the
21 case.

22 A Correct.

23 Q So with that working knowledge, were you
24 aware of where Aaron Haim was while you and your fellow
25 sergeants were at the Dolphin Avenue address on

1 January 8th?

2 A Yes. I had made arrangements on the evening
3 of January 7th with Bonnie [sic] Medders of the Child
4 Protection Team for her to meet with -- with Aaron Haim
5 on the morning of the 8th.

6 Q Who -- what fellow sergeants were with you at
7 the Dolphin Avenue address on January 8th?

8 A Sergeant Randy Justice and Sergeant Buddy
9 Hayes, L. V. Hayes.

10 Q So Sergeant Hayes was the sergeant of missing
11 persons?

12 A That's correct.

13 Q And Sergeant Justice was the sergeant of
14 homicide like you, and he -- his detective was Robbie
15 Hinson, who eventually became lead on this case.

16 A That's correct.

17 Q So the three of y'all went to the Dolphin
18 Avenue address on January 8th.

19 A That's correct.

20 Q Were you aware of information that there's
21 possibly -- a shoe print was left behind in the Toyota
22 Camry that was discovered late night on January 7th,
23 1993, at the airport?

24 A I was aware.

25 Q And so was one of the primary reasons to go

1 to the Dolphin Avenue address house to find potential
2 shoes for comparison?

3 A It was.

4 Q Did FDLE and specifically Allen Miller come
5 to the Dolphin Avenue address house?

6 A He did.

7 Q At that point, did you have a search warrant?

8 A We had a consent to search from Mr. Haim.

9 Q Was this a full search of the entire
10 premises?

11 A It was a cursory search, yes, looking for
12 anything that might give us an indication of what might
13 have happened to Bonnie Haim.

14 Q Do you have any recollection of going outside
15 and examining the outdoor shower area of the Dolphin
16 Avenue address?

17 A No. I have no specific recollection of
18 examining that area.

19 Q Do you have any recollection of dogs being
20 brought to this home or searching the yard?

21 A No.

22 Q Were you doing the primary searching, or were
23 other people doing the searching?

24 A Other people were.

25 Q And that's primarily Allen Miller?

1 A To my understanding, yes. I was inside.

2 Q During the course of this cursory search, did
3 you have the occasion to speak to the defendant,
4 Michael Haim?

5 A I did.

6 Q And do you remember parts of that interview
7 where you were just talking with Mr. Haim about his
8 wife's disappearance?

9 A I do.

10 Q And what did Mr. Haim tell you?

11 A Basically, Mr. Haim indicated that he and
12 Bonnie had been having difficulties for a month or so,
13 that she had quit cooking dinner for him. She was not
14 showing him any affection, that he worked -- that they
15 both worked for Haim Fastener -- Tool & Fastener and
16 that he had gone to work on Wednesday. I guess it
17 would be the 6th, Tuesday -- Wednesday, the 6th, he had
18 gone to work and had been in Gainesville that day. He
19 left Gainesville about 3:00 o'clock in the afternoon
20 and arrived back in Jacksonville at the warehouse about
21 5:30, where he saw Bonnie.

22 She was going to go and pick up Aaron from
23 child care at the 44th -- or North Main Baptist Church,
24 I think, was the child care where she was going to go
25 pick up Aaron, and then she was going to go to Walmart.

1 He went home. He left separately, went home
2 and he said he got home around 6:00 o'clock in the
3 evening. And he went to visit a neighbor. Miss Sweat
4 I believe was her name, that she had been ill and he
5 wanted to check on her.

6 And he said that Bonnie got home around
7 8:00 o'clock that night and that she had been to
8 Walmart. She had six or seven bags of knickknacks,
9 toilet items, toilet paper, toothpaste, that sort of
10 thing and that when she got home, she and Aaron ate.
11 She had a Happy Meal that she prepared for Aaron and
12 she fixed herself a burrito. And he had eaten some
13 leftovers from the week before.

14 And after that, she called Eveann Haim and
15 told Eveann that she was not going to go to a baby
16 shower. They were going to have a baby shower that she
17 was supposed to attend. She called Eveann and said
18 that she was not going to go.

19 And I asked him if she was upset in that
20 phone call because I learned the night before in
21 talking with Bernie Haim that she had, in fact, called
22 Eveann that night about 7:30, he thought, and that she
23 was upset. And I asked him, you know, was Bonnie upset
24 when she called Eveann?

25 And he said, no, she wasn't upset. She

1 wasn't crying. She was just reporting to Eveann that
2 she was not going to go to the baby shower.

3 So she said -- he said after the conversation
4 about --

5 MR. FALLIS: Objection as far as this
6 narrative, Judge. The State needs to ask one
7 question at a time. We'd appreciate that so
8 I can raise any objections I need to.

9 THE COURT: Well, the question was what
10 did he tell you?

11 MR. MIZRAHI: I can say, what did he
12 tell you next, each pause, if you'd like.

13 THE COURT: Ask another question,
14 Mr. Mizrahi.

15 BY MR. MIZRAHI:

16 Q So during the course of this interview, you
17 already had a significant amount of information about
18 this case.

19 A I did.

20 Q And so you're essentially just asking
21 questions --

22 MR. FALLIS: Objection, leading.

23 THE COURT: Overruled.

24 BY MR. MIZRAHI:

25 Q Is that fair?

1 A That's correct. I'm inquiring of things, you
2 know, issues that had been brought to my attention to
3 try to find out what had happened to Bonnie Haim, where
4 she was, if this man had the information that might
5 lead us to her whereabouts.

6 Q So the defendant eventually began telling you
7 about the argument.

8 A I'm sorry?

9 Q Did the defendant eventually begin telling
10 you about the argument that he had with Bonnie Haim
11 that night?

12 A He did. He didn't really characterize it as
13 an argument. He just said, you know, that when she got
14 home, they -- she was not talkative when they were not
15 getting along or whatever. If they were having issues,
16 she would just remain quiet. She'd give him the silent
17 treatment. Said that after the phone call with Eveann
18 that Bonnie put -- she worked -- she put the stuff away
19 from Walmart, and then she worked out on the stair
20 stepper -- her stair stepper for a while. And then she
21 put the baby in the bathtub, let him play with his
22 boat, and she put him to bed about 10:00 o'clock.

23 And he said at that time that he and she were
24 sitting on the bed, and he was trying to inquire as to,
25 you know, what was going on with her. And she was

1 not --

2 Q What did he say was her response?

3 A And her response to that was -- you know,
4 first of all, she didn't have whole lot to say. But
5 then she finally said -- she said, well, you know, I'm
6 just going to call your mother and father and tell them
7 you're just a lousy son.

8 And I asked him, I said, well, why in the
9 world would she -- why would she say something like
10 that?

11 He said, well, because I had called his
12 mother -- or her mother and father and -- to try to
13 find out why she was not showing me affection, why she
14 had quit cooking dinner for me, what was going on with
15 her. And so he suggested that that was her way of
16 getting even with him, that that would be her -- you
17 know, to get even for him having called her parents.

18 Q Did they later, during the course of this
19 discussion, talk about separating and who would leave
20 the house?

21 A I'm sorry?

22 Q Did they talk about who would leave the house
23 when they talked about this discussion?

24 A They did. The question at that point in
25 time, he wanted to know, well, what do we -- you know,

1 what are we arguing and where is this headed? What are
2 we going to do with the house?

3 She said, you can keep the house. I'm going
4 to take my son and leave. You can keep the house.

5 And she said -- and at that point, he said he
6 went to bed.

7 Q Did he know approximately what time Bonnie
8 left the house that night, according to him?

9 A He said at that time that he went to bed, and
10 she left the house sometime between 11:30 and
11 12:00 o'clock.

12 Q Did the defendant indicate that he was
13 sleeping during this period of time?

14 A He did.

15 MR. MIZRAHI: That's all the questions I
16 have.

17 THE COURT: Cross?

18 MR. FALLIS: Yes.

19 CROSS EXAMINATION

20 BY MR. FALLIS:

21 Q Good afternoon, Mr. Japour.

22 A Good afternoon, Mr. Fallis.

23 Q Mr. Japour, there was a thorough search of
24 that house done, wasn't there? You just said in direct
25 examination a cursory. Sir, that was, in fact, a

1 thorough search of that house, wasn't it?

2 A Well, as I also stated, my primary focus was
3 on interviewing Mr. Haim. You know, we went out there.
4 We got a consent to search. I know that the FDLE came
5 out there. Beyond that, I can't tell you how thorough
6 it was. I can tell you that --

7 Q Sir --

8 A -- they weren't turning over mattresses and
9 beds and that sort of thing.

10 Q You characterized it, sir, as a thorough
11 search at one time. Now your characterizing it as a
12 cursory search, correct?

13 A For my part, it was cursory.

14 Q You think today --

15 A I looked around. I didn't see anything.

16 Q I'm sorry?

17 A I said for my part of any search, it was
18 cursory. I'll speak to myself.

19 Q I'm talking about the search entirely, sir,
20 not just your part.

21 A I can't tell you.

22 Q You can't say?

23 A No. Not with certainty, no, sir.

24 Q Sir, we've talked about this previously, have
25 we not?

1 A We have.

2 Q On June 29th of '17?

3 A Correct.

4 Q You have a copy that deposition with you?

5 A Not with me, no.

6 Q Okay. Would it refresh your recollection if
7 I were to show you something concerning your
8 characterization of this search?

9 A That's fine.

10 Q Thank you.

11 MR. FALLIS: Approach, Your Honor?

12 THE COURT: You may.

13 BY MR. FALLIS:

14 Q Showing you Page 48 of your deposition, sir.

15 A Thank you.

16 Okay.

17 Q Have you read it?

18 A Excuse me. No.

19 Q Oh. You said okay.

20 A Excuse me.

21 Okay.

22 Q Okay. Thank you.

23 A Yes, sir.

24 Q Now, we're talking about the search, correct?

25 A Yes, sir.

1 Q Okay. And I asked you: I think you are
2 confirming the fact it was a thorough search of the
3 premises.

4 MR. MIZRAHI: Your Honor, objection,
5 improper impeachment. He's reading one part
6 of a whole page-long question.

7 MR. FALLIS: I'll read the whole page.

8 BY MR. FALLIS:

9 Q You recall the cadaver dogs were called out,
10 don't you?

11 A I do.

12 Q Okay. And then -- then I tell you, number
13 one, that there was conversation about Hinson and
14 Miller, who's with FDLE. And Miller -- Hinson called
15 Miller. Miller called Hinson. And they had a
16 discussion saying -- regarding the search after they
17 had gotten this anonymous letter. You know what I'm
18 talking about, right?

19 A Yes. I remember you mentioning it, an
20 anonymous letter, yes.

21 Q Okay. They said it was very unlikely because
22 we scoured that place with cadaver dogs and everything
23 else.

24 A That was --

25 MR. MIZRAHI: Your Honor, he's just

1 reading from a transcript. This is not
2 proper --

3 MR. FALLIS: Well, you --

4 MR. MIZRAHI: This is not proper.

5 THE COURT: Hold on. I'll make a
6 ruling. Sustained. But you can't -- if
7 you've got something that you want to ask him
8 based on that, then go ahead and ask that
9 question.

10 MR. FALLIS: Well, the State asked me to
11 read the whole page, Judge. That's what I'm
12 doing. Instead of just taking a part out,
13 I'm reading the whole contents.

14 THE COURT: Don't read the page. Just
15 ask him --

16 MR. FALLIS: Sure.

17 THE COURT: -- if his testimony today is
18 different from what he said then.

19 BY MR. FALLIS:

20 Q Will you confirm the fact there was a
21 thorough search of the premises?

22 Your answer: I would say yes.

23 Do you remember being asked that question and
24 giving that answer?

25 A I do.

1 Q Thank you.

2 Now today, you're saying it's a cursory
3 search.

4 A From my perspective, it was.

5 Q Sir?

6 A From my perspective, it was a cursory search,
7 from what I did personally.

8 Q We're talking about --

9 A My presumption was -- okay? My presumption
10 was that with the FDLE being called and other officers
11 out there that there would have been a thorough search
12 to look for --

13 Q And you agree --

14 A -- to look for any indication that there
15 might have been Bonnie Haim. Okay? But beyond that,
16 you know, I can't tell you what they did specifically.

17 Q Well, you thought that there were cadaver
18 dogs.

19 A That was -- that was my -- that was my
20 presumption. Again, I was interviewing Mr. Haim. I
21 was not out and participating with that search. My
22 presumption would have been that there would have been
23 a thorough search.

24 So I answered that based on my presumption,
25 Mr. Fallis.

1 Q I see. So you're not saying that it's not
2 your opinion that a thorough search was conducted there
3 even though cadaver dogs were used. Airplanes with a
4 thermal kind of search, are you aware of that as well?

5 A No, I'm not. I was not aware of that. And
6 my presumption was that the cadaver dogs were called.
7 It's my understanding now that perhaps they weren't
8 that day.

9 Q And you were aware that cadaver dogs were
10 involved, correct?

11 A That was my presumption. I know that
12 eventually during the course of the investigation,
13 cadaver dogs were called. My presumption was that they
14 were called that day. I did not call them. I did not
15 see them there, but the presumption would have been
16 you're looking for a body; there might have been a
17 cadaver dog.

18 Q Do you recall speaking to someone who
19 identified herself as Mary Hogan --

20 A I do.

21 Q -- concerning this case?

22 A Yes, I do. I spoke to a woman on the
23 telephone on the evening of the 7th, which would have
24 been Thursday night, shortly before midnight. Mary
25 Hogan called and said that she --

1 MR. MIZRAHI: Objection, Your Honor.

2 Excuse me, Mr. Japour.

3 Calls for hearsay.

4 MR. FALLIS: I didn't say any hearsay.

5 The man is testifying as to what his
6 conversation was with this lady, his
7 conversation.

8 THE COURT: Let's take a short break,
9 folks. It's probably a good time. It's 4:00
10 o'clock almost. Be back at -- we'll have our
11 midafternoon break now. Be back at 4:10. Do
12 enjoy a short break, folks.

13 (Jury excused.)

14 THE COURT: Let the record reflect the
15 jury has left the courtroom. Court's still
16 in session.

17 Took a short break because I don't know
18 what the answer would be. I guess we need to
19 proffer purpose for asking that question.
20 Hearsay's being offered to prove the truth of
21 the matter asserted? I don't --

22 MR. MIZRAHI: My understanding from
23 reading the reports is that the witness spoke
24 to a person that identified herself as Mary
25 Hogan, and Mary Hogan said that she saw

1 someone who she thought was Bonnie Haim in
2 Taco Bell on the night of the 6th.

3 So I believe it's being asserted for the
4 truth of the matter to establish that this
5 witness, who we don't even know who it is,
6 identified Bonnie Haim on the night of the
7 6th.

8 THE COURT: Is that what you anticipate
9 his answer to be?

10 MR. FALLIS: Not being offered for the
11 truth of the matter asserted, Judge, but also
12 to accept hearsay, the effect it had on the
13 listener. It's a very important exception to
14 hearsay.

15 And he is a detective who's supposed to
16 follow leads, and this is one that they never
17 followed up, even though this woman told him
18 she knew Bonnie Haim. Bonnie Haim was,
19 quote, a niece-in-law, and she had just been
20 with her Thanksgiving. And she saw her at
21 7:30 with a -- and recognized her; they
22 smiled at each other -- with a young man in
23 his 20s, 25 to 30.

24 So, Your Honor, he is absolutely --
25 absolutely entitled to -- I'm entitled to get

1 that in.

2 THE COURT: It's a hearsay exception
3 based on how he responded.

4 MR. FALLIS: Exactly, what effect it had
5 on him because he'll tell you he was supposed
6 to follow up and somehow they dropped the
7 ball.

8 THE COURT: All right. Mr. Mizrahi? He
9 says exception to hearsay.

10 MR. MIZRAHI: Well, it's not exception.
11 I think what he's saying is it's not for the
12 truth of the matter asserted. He can ask
13 that cross examination question and say,
14 after speaking with Mr. -- Miss Hogan, did
15 you follow up on it? And he'll say, I didn't
16 or I passed it along to my fellow detective.

17 What he wants to introduce is he wants
18 to bring it in the side door for the truth of
19 the matter asserted by claiming it's the
20 effect on the listener in the course of his
21 investigation. He can ask those questions.
22 Is it important to follow up with witnesses
23 as to what they tell you? Yes. Was there
24 any follow-up done with this Miss Hogan
25 person? I didn't personally do any

1 follow-up.

2 And then he can ask Detective Hinson,
3 who became the chief investigator, did you
4 follow up any information that Miss Hinson
5 gave you? Excuse me. Miss Hinson? Whatever
6 her name is.

7 MR. FALLIS: Hogan.

8 THE WITNESS: Hogan.

9 MR. MIZRAHI: What the witness said.
10 And Detective Hinson will say, I did not.

11 He's achieved his ability of being able
12 to impeach the fact that they did not follow
13 up on these witnesses without getting to the
14 truth of the matter, that this witness, who's
15 not coming before court, allegedly identified
16 the victim as being present.

17 Imagine a scenario where a witness
18 identified the defendant as the perpetrator,
19 and we were able to call that detective to
20 say without that witness testifying, well,
21 this is what this person said. And we say,
22 oh, it just goes to show how the detectives
23 did their investigation.

24 MR. FALLIS: Not the same thing, Your
25 Honor.

1 MR. MIZRAHI: That's my response.

2 MR. FALLIS: He is a detective. He was
3 given information, alleging credible
4 information, who identified a woman that
5 looked like Bonnie Haim with someone telling
6 him how she knows Bonnie Haim. Okay? Jury
7 is entitled to know whether that's important
8 to whether he should follow up or not,
9 whether he did or didn't, given that
10 information, Judge, what effect it had on
11 him.

12 He said, we'll cut that out and we'll
13 see if it had any effect on anybody. No.
14 This particular witness identified herself as
15 a relative, Judge. And that's something
16 that's really a lot more important than just
17 saying somebody. And he did not follow up.
18 No one followed up on it.

19 And, Your Honor, it goes partly to our
20 defense about the sloppiness of this
21 investigation. So, Your Honor, I believe
22 he's absolutely entitled to answer that
23 question and whether -- he can cross him on
24 it. And whether or not the jury accepts the
25 fact that maybe he's making a mistake or

1 whatever the case may be, that's up to them.

2 THE COURT: All right. Let's take a
3 short recess.

4 Where are we on the trial, Mr. Mizrahi,
5 in terms of --

6 MR. MIZRAHI: Your Honor, the way I --

7 THE COURT: On track for finishing
8 tomorrow?

9 MR. MIZRAHI: The way -- well, the way I
10 would foresee it, we would call Sergeant
11 Hayes, Sergeant Justice, Liz Mahoney and
12 Casey Bruton, and that will take us to the
13 stopping time, hopefully before 6:00 o'clock.
14 It would be somewhere in that window,
15 obviously depending on things. Those four
16 witnesses would be enough. I don't know if
17 we'll get to Joey Jenrette or not.

18 Whether or not we complete every single
19 witness tomorrow, being Wednesday, I think
20 that's optimistic but certainly possible.
21 But certainly, if we had to bleed into
22 Thursday with our witnesses, it would be just
23 the morning, and then we'd have Thursday
24 afternoon to complete the defense case and
25 then still have the entire day Friday.

1 So I'm still optimistic that Friday will
2 be closings/deliberations --

3 THE COURT: All right.

4 MR. MIZRAHI: -- at the worst-case
5 scenario.

6 THE COURT: All right. Be back in ten
7 minutes. We're in recess.

8 (Short recess.)

9 (Defendant present.)

10 THE COURT: Before we bring in the jury,
11 the question being posed to the witness is
12 did a Mary -- what?

13 MR. FALLIS: Hogan.

14 THE COURT: -- Hogan leave a tip with
15 the police that they had seen Bonnie Haim
16 with some other individual at some
17 restaurant. If that's being offered to prove
18 the truth of the matter asserted that Bonnie
19 Haim was with somebody at a restaurant that
20 night, that would be hearsay. It would be
21 inadmissible. You're telling me you're not
22 offering it for that purpose. You're
23 offering it simply to show that a tip was
24 received, and these officers failed to follow
25 up on it.

1 MR. FALLIS: Correct.

2 THE COURT: With that understanding,
3 I'll allow it in.

4 MR. FALLIS: Thank you, Judge.

5 THE COURT: But I will point out, when
6 it comes time for closing argument, we're not
7 going to stand up and tell the jury that
8 there's evidence that Bonnie Haim was driving
9 around with somebody, going to McDonald's
10 because you're not offering it for that
11 purpose.

12 MR. FALLIS: Correct.

13 THE COURT: Your arguing -- you can
14 argue they didn't follow up on the tip.

15 MR. FALLIS: Exactly.

16 THE COURT: But not that she's out
17 riding around. That's not evidence in this
18 case 'cause that's not how -- that's not why
19 it's coming in.

20 MR. FALLIS: We can say that he was
21 provided with a sighting, which he didn't
22 follow up.

23 THE COURT: There you go.

24 MR. FALLIS: That's what I'm going to
25 say.

1 THE COURT: Well, I'm looking ahead to
2 closing arguments, making sure everybody
3 understands why this is coming in.

4 Bring in the jury.

5 (Jury present.)

6 THE COURT: Welcome back. We will
7 continue on.

8 Mr. Fallis, you were in cross
9 examination. You may continue.

10 MR. FALLIS: Thank you.

11 BY MR. FALLIS:

12 Q Sir, before we break, we were talking about a
13 phone call that you had received from a Mary Hogan. Do
14 you recall that?

15 A Yes. I received a call in the homicide
16 office a little bit before midnight on the 7th by a
17 woman who identified herself as Mary Hogan.

18 Q Did she tell you that she saw Bonnie Haim on
19 the 7th or the 6th -- on the 6th of January of '93?

20 A What she told me was that she saw a woman
21 that she -- in her mind, was the Haim girl, was the
22 term that she used, the Haim girl, in a restaurant --
23 not Subway but another restaurant -- about 7:30,
24 accompanied by a white male, approximately 30 years
25 old.

1 Q Okay. And did she tell you how she knew the
2 Haim girl?

3 A She said that she a has a -- kind of a
4 relative that she had seen at Thanksgiving that was
5 Bonnie Haim, that somehow or another, they were
6 related. I don't remember exactly how.

7 Q Well, I think you -- the term she used and
8 you used was "niece-in-law." Does that sound familiar?

9 A It sounds familiar, yes, it does. But that
10 was her characterization of the relationship with
11 Bonnie Haim. The characterization of the person that
12 she purportedly saw that night was I believe it was
13 that Haim girl.

14 Q Correct. They said they looked at --
15 acknowledged each other by smiles. She said that as
16 well, right, smiles --

17 A I think that's correct. I believe that's
18 correct, yes.

19 Q Smiles of recognition is what she -- I think
20 was the way you described it.

21 A She said they made eye contact.

22 Q And they smiled.

23 A Yeah. She told me on the phone that they
24 made eye contact and smiled.

25 Q Okay. That said, don't you think as a

1 homicide detective and you're looking for a missing
2 person, well, maybe somebody who ran into foul play,
3 terribly important to follow that lead. Would you
4 agree?

5 A I would.

6 Q No matter where it takes you, do you agree
7 that it's an important, important thing to do?

8 A I would.

9 Q And you would agree it was not done in this
10 case, was it?

11 A I don't know.

12 Q You don't know?

13 A No. I know I did not follow up on it. My
14 participation in the case ended the following day.

15 Q In normal course of events, it would have
16 been followed up on, correct?

17 A As a supervisor of homicide investigations, I
18 would have overseen that it would be followed up on.

19 Q So if we were to find out from the other
20 detectives involved that it was never followed up, then
21 that would be a pretty bad breach of investigative
22 technique, correct?

23 A I'd say that would be a significant
24 oversight.

25 Q Okay. Now, we already discussed cadaver

1 dogs. We discussed, quote, what you say is a
2 cursory/thorough search.

3 Now what I want to talk to you about is your
4 interview with my client. Did you not -- did he --
5 actually, Justice was present too, wasn't he?

6 A He was.

7 Q Okay. And you remember that Justice asked
8 him if he knew that Bonnie had a boyfriend? Do you
9 remember that?

10 A I do believe that question was asked, yes.

11 Q Do you recall what my client's reply was to
12 that? Did he reply --

13 A In reviewing the reports that I've seen, I
14 know there was some conversation about the remark being
15 sarcasm, that there was a sarcastic response. If there
16 was a boyfriend, he would have known about it, in a
17 sarcastic way.

18 I do recall that there was some discussion
19 about him allegedly following her, stalking her.

20 Q That's not my question, sir. My question
21 was --

22 A You're asking me what was said.

23 Q No. I asked you what my client's response
24 was to Justice's question; did he know if Bonnie had a
25 boyfriend.

1 A And I'm answering that question.

2 Q And I believe the answer -- tell me what the
3 answer -- the answer was what? He was -- did he answer
4 he was blind? If she did, I was blind? Wasn't that
5 the answer?

6 A That was, yes.

7 Q Okay.

8 A That's what I read. Also that he had -- was
9 allegedly stalking her.

10 Q Who allegedly -- he said that?

11 A He, the defendant.

12 Q Said that he was --

13 A The question was -- the question was: Were
14 you stalking Bonnie? By Detective Justice: Were you
15 stalking Bonnie?

16 And I think his response to that was that
17 they had a coincidental encounter when he went over to
18 Regency Square to pick up a crystal and some furniture
19 that they had coincidental encounter but that he was
20 not stalking her. So that was the question.

21 Q That's not the question I asked you. You
22 volunteered it, which is fine. He didn't actually tell
23 you he was stalking Bonnie Haim.

24 A No.

25 Q Okay.

1 A The question was asked and that's how he
2 answered it.

3 Q Okay. Now, you were also present when
4 McCallum -- there was a conversation with McCallum.
5 And I think it was you who said -- you were going to
6 send McCallum over to the CPT to see the victim's
7 mother, meaning Mrs. Pasciuto, about having -- getting
8 keys to Bonnie Haim's car. Do you recall that?

9 A I recall being contacted by Detective
10 McCallum, that we were looking for keys for Bonnie
11 Haim's car so that the FDLE could move the car out of
12 inclement weather into the garage. They didn't have
13 keys.

14 And so yes, I do recall that.

15 Q And you recall saying that McCallum was going
16 to go to see Miss Pasciuto to get the keys for the car.

17 A No, I don't recall that at all. What I do
18 recall is the defendant volunteering that the keys to
19 the car were on the refrigerator or that there should
20 be a set of keys to the car on the refrigerator. That
21 was my exchange of conversation with regards to the
22 keys.

23 Q Trying to find the area where we had prior
24 conversation. I'm sorry.

25 Did you tell Detective McCallum that Sergeant

1 Japour wanted the keys to the car?

2 A Did I tell Detective McCallum that I wanted
3 the keys to the car?

4 Q That Japour wanted the keys to the car.

5 THE COURT: This is Mr. Japour.

6 THE WITNESS: I am Japour.

7 BY MR. FALLIS:

8 Q Did you have any conversation with Detective
9 McCallum regarding the victim's mother having keys to
10 the -- to the car?

11 A I know Detective McCallum contacted us at the
12 house on the 8th and wanted to know if we could get a
13 set of keys to the car so the FDLE could move the car
14 out of the inclement weather into the garage. I
15 inquired of the defendant. And he informed me that
16 there should be a set of keys to Bonnie's car on the
17 refrigerator. We were unable to locate those keys.

18 Q And it was also understood -- was it not? --
19 that Bonnie's mother had a set of keys to the car, and
20 at that point in time, Michael Haim said there must be
21 some on the refrigerator. Isn't that how that came
22 out?

23 A Possibly. I don't recall that specifically
24 but possibly, yes.

25 Q That it was understood, correct, in your

1 words, that the victim's mother, being Mrs. Pasciuto,
2 had a set of keys to the car, correct?

3 A I don't recall.

4 Q Would it help refresh your recollection if I
5 were to show you some previous testimony?

6 A No. I'll accept, you know, if you're
7 representing that I said that Mrs. Pasciuto had a set
8 of keys to his mother's car -- or to Bonnie's car. I'm
9 good with that. What I was concerned about was
10 Mrs. Pasciuto wasn't there. The keys to the car were
11 ostensibly there on the refrigerator. That was my
12 concern. If the keys were there, that would have
13 obviated the problem.

14 Now, as turns it out, I didn't find the keys.
15 I understand the keys were located in Bonnie's purse.
16 So the issue with whether or not Mrs. Pasciuto had keys
17 to Bonnie's car was irrelevant to me because --

18 Q You stated --

19 A -- they weren't on the refrigerator, and the
20 keys were ultimately found in Bonnie's purse. So there
21 was a set of keys provided to the FDLE to move the car
22 and that was my concern.

23 Q But you stated under oath that it was
24 understood that the victim's mother had a set of keys
25 to the car.

1 A Okay.

2 Q Okay?

3 A Okay.

4 Q So it was understood that Miss Pasciuto had
5 those keys, in your mind.

6 A Had keys. Not those keys. Keys.

7 Q I'm sorry. Keys to the car.

8 MR. FALLIS: Have one moment, Judge?

9 THE COURT: Yes, sir.

10 MR. FALLIS: (Conferring with co-counsel
11 and the defendant.)

12 BY MR. FALLIS:

13 Q Mr. Japour, you never wrote any reports in
14 this case at all, did you?

15 A No.

16 MR. FALLIS: Thank you.

17 MR. MIZRAHI: I have no redirect, Your
18 Honor.

19 THE COURT: May this witness be excused?

20 MR. MIZRAHI: Yes, Your Honor.

21 THE COURT: Thank you. You're excused,
22 sir.

23 (Witness excused.)

24 THE COURT: All right. Call your next
25 witness.

1 MR. MIZRAHI: Buddy Hayes.

2 (Witness sworn by the clerk.)

3 MR. MIZRAHI: May it please the Court?

4 THE COURT: Yes, sir.

5 LAWRENCE VICTOR HAYES, JR.,

6 having been produced and first duly sworn as a witness

7 on behalf of the State, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. MIZRAHI:

10 Q Please introduce yourself to the jury.

11 A My name is Lawrence Victor Hayes, Jr.

12 Q Do you go by Buddy?

13 A Yes, I do.

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

15 A Currently employed with the Department --

16 Florida Department of Business and Professional

17 Regulations, division of alcoholic beverages and

18 tobacco.

19 Q What are your primary duties at that
20 department?

21 A I'm captain to -- I oversee the Jacksonville
22 and Gainesville office. What we do is we regulate and
23 enforce any kind of laws regulating alcohol, tobacco
24 sales, human trafficking, anything having to do in a
25 licensed premises that sells alcohol or tobacco.

1 Q Is that a federal agency?

2 A No, sir. It's a state agency.

3 Q And how long have you been employed there?

4 A I've been there approximately a little over
5 seven years.

6 Q What did you do before that?

7 A Prior to that, I was with Medicaid fraud as
8 an investigator for three and a half years.

9 Q And prior to that?

10 A Prior to that, 33 and a half years with the
11 Jacksonville Sheriff's Office and I retired as a
12 lieutenant.

13 Q I want to turn your attention back to 1993.
14 What division were you in at the Jacksonville Sheriff's
15 Office in 1993?

16 A In 1993, I was the supervisor of the missing
17 persons unit.

18 Q Is that commonly referred to as the sergeant,
19 being the supervisor?

20 A Yes, sir, sergeant.

21 Q And did you become involved in the case of
22 the disappearance of Bonnie Haim?

23 A Yes, sir, I did.

24 Q And who was your lead missing persons
25 detective that was working that case?

1 A At that time, Detective Tommy Morgan.

2 Q And you were his supervisor?

3 A Yes, sir, that's correct.

4 Q During the course of the investigation, did
5 it became clear that homicide should be working this
6 case in conjunction with missing persons?

7 A Yes.

8 Q And what were the circumstances that got
9 homicide involved?

10 A Well, when we received a call from -- I
11 believe it was Officer Randy Faulk. He had called the
12 missing persons office and stated he responded to the
13 Red Roof Inn off Airport Road, where a women's purse
14 was found in the dumpster by maintenance personnel. He
15 called us and advised us that he -- I think he made
16 contact with the victim's husband. And the victim's
17 husband said she left that night and that he hadn't
18 seen her since. So to me, that warranted some type of
19 foul play.

20 Q Is that because one of the reasons was the
21 purse contained valuables that was not consistent with
22 being thrown away?

23 A Yes. I believe it contained everything --
24 keys, wallet and money.

25 Q Did eventually homicide take over the

1 entirety of the investigation in this case?

2 A Yes, sir, they did.

3 Q Did you respond to the Dolphin Avenue address
4 on January 8th to help assist in the investigation?

5 A Yes, sir. I was a support sergeant with
6 Sergeant Frank Japour and Sergeant Randy Justice, who
7 were in homicide.

8 Q And did Allen Miller with the Florida
9 Department of Law Enforcement also show up?

10 A Yes, sir.

11 Q Were you aware of information that there was
12 a possible shoe print left behind in the victim's
13 vehicle and that y'all were to be looking for a pair of
14 shoes that could match up to that print?

15 A Yes, sir, that's correct.

16 Q Is there anything other specific -- anything
17 other that you were looking for specifically with
18 regard to this case?

19 A Basically anything that may visually appear
20 to be that would tie the person -- missing persons case
21 to Miss Haim.

22 Q Did you do any kind of outdoor search of the
23 premises?

24 A Yes, sir. I believe myself and Sergeant
25 Justice. We walked outside of the house, walked around

1 the side of the house and back of the house.

2 Q Did you lift up anything having to do with
3 the outdoor shower? There was a pallet that was out
4 there. Did you lift and examine that?

5 A No, sir.

6 Q Do you recall any cadaver dogs being out
7 there?

8 A No, sir.

9 Q Other than walking around the perimeter, did
10 you do any other type of invasive search?

11 A No, sir, just walking into each room, looking
12 around. Nothing invasive, no, sir.

13 Q Were you flipping mattresses and going into
14 the attic or anything like that?

15 A No, sir.

16 Q Do you recall if it was raining that day?

17 A I'm sorry?

18 Q Do you recall if it was raining that day?

19 A Yes, sir, it was raining.

20 Q So the weather was not nice?

21 A No, sir.

22 Q How long do you think you walked around the
23 perimeter of the home?

24 A My estimation, probably maybe ten minutes.

25 Q Did you also listen to parts of an interview

1 with the defendant in this case that was primarily
2 conducted by Sergeant Japour?

3 A No, sir.

4 Q Did you eventually take this defendant to the
5 bank?

6 A I was requested to take the defendant to the
7 bank, but like I said in my deposition, I don't recall
8 actually going to a bank and receiving any bank
9 statements. That was sort of vague in my memory.

10 Q Do you remember discussing the disappearance
11 of Bonnie Haim with Michael Haim, her husband?

12 A During the course of riding with Mr. Haim,
13 we -- a conversation was struck about him and his wife,
14 how they were having some marital issues and that he
15 missed her very much, loved her very much.

16 Q Was there a particular statement that struck
17 you as somewhat odd?

18 A Yes, sir. I was gassing up my police vehicle
19 at the Superior Street location, and he told me that --
20 after he said they were having marital problems, that
21 he loved her so much that he would drink the water out
22 of the toilet if he -- if she asked him to.

23 Q And did you relay that information to
24 Detective Hinson, who was the lead investigator?

25 A Yes, sir, I did.

1 Q Is there anything else that you can recall
2 about what the defendant said during that conversation?

3 A No, sir. It was just general basic
4 conversation.

5 MR. MIZRAHI: That's all the questions I
6 have, Your Honor.

7 THE COURT: Cross?

8 MS. WARREN: Thank you, Your Honor.

9 CROSS EXAMINATION

10 BY MS. WARREN:

11 Q You were the supervisor in the missing
12 persons department at the time, correct?

13 A Yes, ma'am.

14 Q You didn't write any reports, did you?

15 A No, ma'am, I did not.

16 Q You went to the Red Roof Inn, correct?

17 A That's correct.

18 Q Do you remember the dumpster being way in the
19 back?

20 A Yes, ma'am.

21 Q Did you go to the dumpster?

22 A Yes, ma'am.

23 Q Was FDLE there at the dumpster when you got
24 there?

25 A I believe they were called. I'm not sure if

1 they were there when I got there. But they were called
2 and they responded.

3 Q Mr. Hayes, was -- was the FDLE person that
4 responded Mr. Miller?

5 A I believe so, yes, ma'am.

6 Q And wasn't his partner Mr. Holmquist at the
7 time?

8 A Yes, ma'am.

9 Q Was Mr. Holmquist with him at the dumpster?

10 A I don't recall Mr. Holmquist being there. He
11 may have been.

12 Q Do you remember if Mr. Holmquist was present
13 at the house on Dolphin on the 8th?

14 A I remember Allen Miller but Mr. Holmquist, I
15 don't specifically remember him being there. But I'm
16 sure he was there.

17 Q Would it have been customary for Mr. Miller
18 to come without someone else?

19 A I have had cases in the past where just one
20 FDLE crime scene investigator shows up.

21 Q You were at the house on Dolphin for
22 approximately three hours that day, weren't you?

23 A With the addition of taking Mr. Haim to the
24 bank, probably around two or three hours, yes, ma'am.

25 Q Okay. So you left and took Mr. Haim to the

1 bank. How long do you think you were gone, going to
2 the bank?

3 A Around an hour probably.

4 Q When you came back, the officers were still
5 there searching, though, weren't they?

6 A Yes, ma'am.

7 Q And you, I believe, left that house
8 approximately 5:00 o'clock that night, correct?

9 A Approximately, yes, ma'am.

10 Q And the officers were still there at the time
11 you left, correct?

12 A I don't recall if they were still there or
13 not.

14 Q You didn't ride in the same car, correct?

15 A No, ma'am.

16 Q You took different cars?

17 A That's correct.

18 Q And you left in your own car, right?

19 A Yes, ma'am.

20 Q You went back to the homicide office when you
21 left?

22 A Yes, ma'am.

23 Q Okay. You had to relinquish your supervisory
24 duties because homicide took over. Is that fair to
25 say?

1 A That's correct, yes.

2 Q And you did that on the 7th -- right? -- on
3 January 7th of '93.

4 A Yes, ma'am.

5 Q Now, the reason they suspected foul play was
6 because the purse was found in the dumpster, isn't that
7 right?

8 A That's correct.

9 Q They didn't suspect foul play because of
10 anything they discovered at the house on Dolphin on the
11 7th, correct?

12 A I don't know how to answer that.

13 Q They took -- were you there? Mr. Hayes, were
14 you there when they took carpet cuttings from the
15 house?

16 A I vaguely remember carpet cuttings being
17 taken by FDLE.

18 Q Were you there when they took Michael's
19 weapons? He had guns in the house? Were you there
20 when they did that?

21 A I believe that was a separate day.

22 Q I'm sorry.

23 A I believe that was a separate time.

24 Q Can I assume that you were not there in March
25 when they did the search -- the execute of the search

1 warrant?

2 A That's correct.

3 Q I believe you said on direct that Sergeant
4 Justice, Sergeant Japour were there at Dolphin,
5 correct?

6 A Yes, ma'am.

7 Q Now, they were actual homicide detectives,
8 were they not?

9 A Homicide supervisors.

10 Q Homicide supervisors.

11 Do you remember anyone else being there
12 besides Sergeant Japour, homicide, right?

13 A Uh-huh.

14 Q Sergeant Justice, homicide right?

15 Allen Miller, FDLE, you said, correct?

16 A Correct.

17 Q You, you're there. Were there any other
18 police officers that you remember being there, law
19 enforcement?

20 A I don't recall any, no, ma'am.

21 Q Do you remember any -- other than Allen
22 Miller, anybody else from FDLE?

23 A No, ma'am, I do not. I don't specifically
24 recall Mr. Holmquist being there.

25 Q Did you become aware when you were at Dolphin

1 that that purse had been given back to Michael at the
2 Red Roof Inn?

3 A Yes, ma'am.

4 Q So you knew that, correct?

5 A Yes.

6 Q You knew that when you were at the house at
7 Dolphin.

8 A Correct.

9 Q You're not sure where those -- how those keys
10 got in the purse, are you?

11 A No, ma'am.

12 Q When you got the purse from the house at
13 Dolphin, the keys were already in the purse, right?

14 A That's correct.

15 Q You can't describe those keys for us, can
16 you?

17 A No, ma'am.

18 Q You can't tell us what kind of key ring it
19 was, correct?

20 A No, ma'am.

21 Q You can't say whether it was a master key or
22 a valet key, correct?

23 A That's correct.

24 Q And you can't say with any degree of
25 certainty whether there was a set of keys on the

1 refrigerator, can you?

2 A I don't recall any keys on the refrigerator.

3 No, ma'am.

4 Q You were there looking for evidence of a
5 struggle possibly?

6 A Possibly, yes.

7 Q Would you had been looking for blood spatter?

8 A Yes, ma'am.

9 Q Would you have been looking for torn
10 clothing?

11 A Yes. If it was visual and obvious, yes,
12 ma'am.

13 Q Okay. You say if it was visual. Was --

14 A In plain view.

15 Q Is that what you were looking for?

16 A In plain view, yes, ma'am.

17 Q Were you looking in the backyard for evidence
18 of -- of possibly a body?

19 A Yes, ma'am.

20 Q What would you have done had you noticed any
21 ground that was disturbed?

22 A At that point, I'm sure we would have
23 contacted the State Attorney's Office and obtained a
24 search warrant.

25 Q Well, you had a consent to search. Had you

1 noticed ground disturbed and you're looking for a body,
2 you would have stopped and contacted the State
3 Attorney's Office? Is that your testimony?

4 A Yes, ma'am.

5 Q And what would have happened then?

6 A We would have obtained a search warrant and
7 done a more invasive search.

8 Q So you did not see any evidence that ground
9 in the backyard or outside, sides of the house -- you
10 didn't notice anything being disturbed did you?

11 A No, ma'am. I don't recall any.

12 Q Okay. And to your knowledge, Sergeant
13 Justice didn't either, did he?

14 A I'm not -- I can't answer for that. I don't
15 know what he saw.

16 Q Well, would you have discussed this case with
17 them?

18 A Yes, ma'am.

19 Q Okay. So to your knowledge, none of the
20 other officers noticed any ground being -- that was
21 disturbed in the backyard?

22 A To my knowledge, no, ma'am.

23 Q Did you look in the shed outside?

24 A No, ma'am.

25 Q Do you know if anybody did?

1 A No, ma'am, I do not.

2 Q On the 8th, I'm talking.

3 A On the 8th, yes, ma'am.

4 Q What did you do when you got the keys out of
5 the purse?

6 A From what I recall of that, I gave them to
7 either Sergeant Japour or the FDLE, Allen Miller, at
8 the time.

9 Q You're not sure if you gave them -- I'm not
10 hearing you.

11 A Yes, ma'am. I'm not sure who I gave them to.

12 Q Okay. Is it possible -- do you know -- is it
13 possible -- you said Japour you may have given them to?

14 A Yes, ma'am.

15 Q Or FDLE?

16 A That's correct.

17 Q Okay. Now, wouldn't it -- at that time, was
18 there any kind of form for you to write down that you
19 gave this crucial piece of evidence to someone?

20 A No, ma'am, I did not, no form -- nothing was
21 read. Just handed the keys over.

22 Q So there was no chain of custody whatsoever
23 for the keys, correct?

24 A That's correct.

25 Q Have you ever seen keys since that day?

1 A No, ma'am.

2 Q Did anybody take pictures of the keys?

3 A I don't recall if they did or not. I'm sure
4 that FDLE --

5 Q What happened to -- what happened to the
6 purse?

7 A It was turned over to, I believe, Sergeant
8 Japour, Frank Japour, or Randy Justice, who in turn
9 turned it over to Detective Robbie Hinson.

10 Q Was that done in your presence?

11 A No, ma'am.

12 Q There was no chain of custody for that, to
13 your knowledge, either, is there?

14 A To my knowledge, no, not -- not from me.

15 Q Was it also your job to coordinate, since
16 you -- you were the supervisor in missing persons,
17 correct?

18 A That's correct.

19 Q Was it -- wasn't it your job to coordinate
20 searches, search parties, to go out and look for the
21 missing people?

22 A Yes, ma'am.

23 Q Did you do that in this case?

24 A Yes, ma'am, I did. But I don't exactly
25 recall the date unless I refer to my notes.

1 Q But you were the one that was in charge. You
2 were the officer that was in charge of coordinating the
3 search, correct?

4 A That's correct, yes, ma'am.

5 Q And you were the one that was also in charge
6 of inviting the people to the search, is that correct?

7 A That's correct.

8 Q And you actually coordinated a few searches
9 on this case, didn't you?

10 A One search was coordinated with volunteers,
11 the mounted unit, reserve officers, four-wheel drive.
12 But the other searches were based upon information that
13 we received from possible locations that Miss Haim may
14 be.

15 Q But my question to you is you were the
16 ones -- you were the one that was in charge of
17 coordinating the search where volunteers would go out
18 and look for Miss Haim?

19 A Yes, ma'am, that's correct.

20 Q And you did coordinate searches to go out
21 with volunteers. Some of them were even employees of
22 Bernie's Tool & Fastener Company, correct?

23 A To my recollection, I coordinated one massive
24 search and the others were smaller searches.

25 Q At no time did you invite Michael Haim or his

1 family to join you in those searches, did you?

2 A No, ma'am.

3 MS. WARREN: No further questions, Your
4 Honor.

5 Sorry. May I have a moment?

6 THE COURT: Yes, ma'am.

7 MS. WARREN: (Conferring with co-counsel
8 and the defendant.)

9 BY MS. WARREN:

10 Q Officer Hayes, when you were at the house, do
11 you think you did a thorough search on the 8th?

12 A No, ma'am.

13 Q Why not?

14 A Because we weren't doing an invasive search.
15 We were just there to observe, look around. And my
16 part was to take Mr. Haim to get bank records. I
17 wasn't there that long to do a thorough, invasive
18 search.

19 Q Do you remember during your deposition on
20 June 28th, 2018?

21 MS. WARREN: Page 28, Counsel.

22 THE WITNESS: Yes, ma'am.

23 BY MS. WARREN:

24 Q Do you remember being asked this question?
25 Did you do a thorough search around the backyard?

1 The answer: I'm sure the most thorough
2 search we could conduct.

3 A Yes, ma'am. I possibly said that. When I
4 mean a thorough search, that's a visual search.

5 MS. WARREN: Thank you, Your Honor. No
6 further questions.

7 THE COURT: Redirect?

8 MR. MIZRAHI: No, Your Honor.

9 THE COURT: May this witness be excused?

10 MR. MIZRAHI: He may.

11 THE COURT: You are excused, sir. Thank
12 you.

13 THE WITNESS: Can I ask one quick
14 question? Mr. Fallis --

15 THE COURT: Hold on. Do you want to ask
16 a question?

17 THE WITNESS: I'm supposed to be here
18 tomorrow at 1:00 o'clock. Am I still called
19 to come tomorrow?

20 THE COURT: Is he being released from
21 his subpoena? A fair question.

22 MR. FALLIS: No, Your Honor. He --
23 we'll release him from the subpoena.

24 THE COURT: You are free to go, sir.
25 Thank you.

1 (Witness excused.)

2 THE COURT: State, call your next
3 witness.

4 MR. HEAVENER: Your Honor, the State
5 would call Mr. Randy Justice.

6 (Witness sworn by the clerk.)

7 MR. HEAVENER: May I proceed, Your
8 Honor?

9 THE COURT: Yes, sir.

10 DOUGLAS R. JUSTICE,
11 having been produced and first duly sworn as a witness
12 on behalf of the State, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. HEAVENER:

15 Q Sir, would you tell us your name?

16 A Douglas R. Justice.

17 Q Do you go by Douglas?

18 A I go by Randy.

19 Q And, Mr. Justice, where do you currently
20 reside?

21 A I live at 8974 Tropical Bend Circle,
22 Jacksonville, Florida.

23 Q And what kind of work do you do now?

24 A I'm retired.

25 Q How long have you been retired?

1 A Couple years.

2 Q And what did you do prior to retirement?

3 A Retired from the Jacksonville Sheriff's
4 Office after 30 years, and then about ten years after
5 that, I had my own private investigation agency.

6 Q Okay. So let me take you back to your
7 30 years with the Jacksonville Sheriff's Office. Can
8 you give us just a thumbnail sketch of what kind of
9 jobs you did while you were at the Sheriff's Office?

10 A Well, I worked in every major division in the
11 Sheriff's Office -- traffic, patrol, detective,
12 administration. I taught two years at the police
13 academy. I was a supervisor in patrol. Then I came to
14 the homicide unit, where I spent ten years.

15 Q And when did you come to the homicide unit?

16 A Probably 1991.

17 Q And at some point quickly after you came to
18 the homicide unit, did you become a sergeant?

19 A No. I was a sergeant when I went there.

20 Q When you went there. All right.

21 And taking you back to 1993, do you recall --
22 in January of the 1993, do you recall what detectives
23 were part of your unit back in January of 1993?

24 A Yeah. My team consisted of four detectives.
25 It was Robbie Hinson, Carl Thorpe, Herb Scott and John

1 McCallum.

2 Q And did -- can you just kind of give us an
3 explanation as a sergeant on a squad like that? What
4 does your day-to-day job look like back in --

5 A Basically, my job is to supervise my
6 detectives, provide them with any guidance, training,
7 support, this type of thing, oversee their
8 investigations, review their reports and just help them
9 manage their investigations 'cause they generally
10 work -- each detective generally carried anywhere from
11 eight to ten homicides, a dozen suicides and maybe a
12 dozen aggravated batteries at any one time.

13 Q And with regard to searches and collecting
14 evidence, is that -- is that a task that sergeants in
15 the homicide division normally got involved with?

16 A No, not normally.

17 Q And how would -- back in 1993, how would --
18 how would that kind of searching and collecting
19 evidence -- who was doing that?

20 A Basically, evidence technicians would be
21 doing that, and in some cases, the detectives involved
22 or patrol officers. It could be any of those.

23 Q Did you -- did you carry a shovel around in
24 the trunk of your car?

25 A No, sir.

1 Q Okay. Taking you back to specifically
2 January 7th of 1993, did you become involved in the
3 death of investigation involving Bonnie Haim?

4 A Yes, I did.

5 Q Okay. And what was your role in that
6 investigation?

7 A Well, I was the supervisor on the team.
8 Actually, the call was initially assigned to another
9 team. That would have been Frank Japour's team and his
10 homicide team. And initially, it was the missing
11 persons unit, which would have been Buddy Hayes,
12 Sergeant Hayes. They had received a call from patrol
13 in reference to the purse that they had found, and the
14 officer had contacted the husband of the purse owner
15 and that's where it started. And they were working the
16 case during the day. I wasn't there. I did not come
17 on till 4:00 o'clock that afternoon. We worked the
18 evening shift, which rotated between the teams.

19 And then at 4:00 o'clock, we met with
20 Sergeant Japour, and my team was assigned the case,
21 which was a little unusual, but it happened from time
22 to time.

23 And so we continued working that night off
24 and on on the case, but we also had other cases 'cause
25 we were on call. In fact, Robbie Hinson picked up a

1 murder case that night so he was working on that. And
2 then we would come in the next morning and -- around
3 10:00 o'clock and continue working on the case.

4 Q So let me take you to that next morning. Did
5 you have the opportunity to travel with those other two
6 sergeants, Sergeant Japour and Sergeant Hayes, to an
7 address of 2439 Dolphin Avenue?

8 A Yes, sir.

9 Q And is that address in Jacksonville?

10 A Yes, sir.

11 Q Is it part of Duval County?

12 A Yes, sir.

13 Q And do you know generally what part of the
14 county that was?

15 A Roughly north side, around Kent campus, out
16 there on north side, not too far from there.

17 Q So how did you and these other two
18 sergeants -- did you drive separate vehicles?

19 A Yes, sir, I believe so.

20 Q Okay. And when you got to the residence, who
21 was present?

22 A Mike Haim and his father.

23 Q And we've heard a lot of discussion about
24 consent search and search warrant search. I don't know
25 that the jury has actually heard an explanation of what

1 those terms mean. Can you describe for the jury what a
2 consent search is?

3 A Basically consent search is when you go to
4 somebody and ask them if you can, like, search their
5 car or their home or their person. And they give it to
6 you voluntarily. Normally, we obtain something in
7 writing from them saying that they have.

8 A search warrant, on the other hand, is a
9 court document, where we've gone before a Court and
10 provided the Court with -- and the State Attorney's
11 Office with significant -- or evidence to indicate that
12 we need to get into this business, house or car without
13 the consent of the owner. And it's a little more
14 intrusive and takes a lot longer to get.

15 Q Let me go back to the consent search. Is
16 that consent search -- if you're doing a consent
17 search, are you subject to the actual wishes and
18 desires of the person that gives you the consent?

19 A Oh, of course. Consent search can be
20 withdrawn at any time.

21 Q Okay. On the other side, if you have a
22 search warrant, what -- what effect does the person's
23 consent have?

24 A Yes. We get basically a search without their
25 consent, even if they don't want us to.

1 Q When you -- when you responded to
2 2439 Dolphin Avenue on January the 8th, were you joined
3 by individual named Allen Miller?

4 A Yes, sir.

5 Q And who was Allen Miller?

6 A Allen is a -- works for FDLE as an evidence
7 specialist, technician.

8 Q And -- and as the -- as the sergeant of
9 homicide squad there that day, if there had been
10 evidence collected, would you have been the person
11 doing that collection?

12 A Probably not, no.

13 Q Who would have been doing that?

14 A It probably would have been Allen.

15 Q Okay. And if there was any evidence
16 processed there at the scene, who would have been doing
17 that?

18 A Probably would have been Allen also.

19 Q Okay. So while you were there at Mr. Haim's
20 residence, did he give you consent to search?

21 A Yes, he did.

22 Q And before entering that residence, had you
23 had discussions about the yard?

24 A Yes, we did. We had -- he had told us that
25 when they found the car, they discovered a footprint in

1 the floorboard on the driver's side, distinguishing
2 footprint. And he wanted us to try and lock down -- or
3 rather, he and Robbie wanted us to try and lock down
4 the last time that Michael had been in the car.

5 Q Let me ask you, when you -- when you entered
6 Mr. Haim's house, was your primary focus -- as the lead
7 sergeant on the homicide team that actually had the
8 case, was it that time line on the car?

9 A What's that? Excuse me?

10 Q What was your primary focus as you entered
11 Mr. Haim's house?

12 A Our biggest -- our primary focus at that time
13 was to get a consent, see if we could locate tennis
14 shoes that may have matched this imprint in the car mat
15 and, two and three, to lock his time line down to that
16 car.

17 Q Let me -- let me show you State's Exhibit 12,
18 if I could. What are we looking at in State's 12?

19 A Is this supposed to be on here?

20 Q Yes, sir.

21 A It's not.

22 MR. MIZRAHI: Touch it.

23 MR. HEAVENER: Touch it?

24 THE WITNESS: Okay.

25 BY MR. HEAVENER:

1 Q Is this Mr. Haim's driveway?

2 A As far as I can tell, I guess.

3 Q Okay.

4 A Doesn't show very much of it. That was his
5 car or his truck.

6 Q All right. But you do see the driveway
7 outside of his car?

8 A Yes, sir.

9 Q Would you describe that driveway as sandy?

10 A It kind of looks like it may be a little bit.

11 Q Okay. How about -- you, yourself, walk on
12 that driveway that day, on January the 8th?

13 A I'm sure I did.

14 Q Did you notice collecting large amounts of
15 sand on your shoes from walking on Mr. Haim's driveway?

16 A I really don't remember that.

17 Q Okay. Did you feel like you had to take your
18 shoes off before you went into his house?

19 A No.

20 Q And in the back that picture, do you see a --
21 looks like a bigger blue van?

22 A Yeah. That's the FDLE van.

23 Q And that's what Allen Miller was driving?

24 A Yes, sir.

25 Q Okay. So when you go into Mr. Haim's

1 house -- let me show you Government's Exhibit -- or
2 State's Exhibit 16. What are we looking at in
3 State's 16?

4 A That's a pair of tennis shoes.

5 Q How soon after you got into the house did you
6 see those tennis shoes?

7 A It wasn't very long 'cause they were pretty
8 much right there where we were at.

9 Q And is that the coffee table in the house?

10 A Yes, sir, as far as I remember.

11 Q Okay. What, based on your training and
12 experience, was significant about where those shoes
13 were located?

14 A Well, they were just right there in the
15 living room, and at the time, I didn't know if there
16 was any significance to that.

17 Q Were there closets in the house?

18 A Yes, sir.

19 Q Okay. This picture, State's Exhibit 16, if
20 we look at the -- are you able to see the -- underneath
21 the coffee table? There's -- looks like there's a
22 magazine?

23 A Yes, sir.

24 Q Can you read the title of that magazine?

25 A No.

1 Q Towards the left-hand side?

2 A Oh, that one -- well, I can't distinguish
3 exactly which one you're looking at, and I don't have
4 my glasses on either so --

5 Q I've just drawn a circle around it. Can you
6 read that for us?

7 A I can't really make it out, to tell you the
8 truth. I don't have my glasses on. Doesn't help.

9 Q All right. Fair enough.

10 So did you -- did you have the opportunity to
11 talk to Mr. Haim about the time line of the car?

12 A Yes, sir, I did.

13 Q And did you ask him when the last time he was
14 in Bonnie Haim's car was?

15 A Yes, sir, I did.

16 Q And what did he tell you?

17 A He told me it was January 1st.

18 Q And did he say --

19 A He remembered that because they'd -- they'd
20 been to a picnic or barbecue or something at his
21 uncle's house.

22 Q And did you do anything to see how certain he
23 was that that was --

24 A I did. I questioned him as -- specifically
25 on the following days -- I guess it was the 5th and the

1 6th -- whether he had been in the cars that -- those
2 days.

3 Q And what did he say?

4 A He said he had not.

5 Q What was his demeanor like when he told you
6 that he hadn't been in the car?

7 A He was a little apprehensive, I mean, nervous
8 a little bit.

9 Q And were you the primary interrogator or
10 person asking questions?

11 A No.

12 Q Who was that?

13 A Like I said, I went out there with Sergeant
14 Hayes and Sergeant Japour because basically, they had
15 started the investigation, and they knew a little bit
16 more about the case than I did at that time. And so
17 Sergeant Japour was, I guess, the primary investigator.
18 And Sergeant Hayes and I were there, but we were in and
19 out of the room, you know, just looking around.

20 Q Okay. And -- and just so it's clear, you did
21 not run any dogs at the Haim residence on January 8th?

22 A No, I did not.

23 Q Okay. And so we're clear, you did walk
24 around the backyard a little bit?

25 A I'm sure I did.

1 Q Did -- did you -- did you do anything to
2 investigate whether there were a body buried in the
3 backyard?

4 A No, like I say, this was a consent search.
5 And we did not want to go out there and do anything
6 like you would with a search warrant, where we would be
7 turning over mattresses, emptying drawers, digging
8 holes in the backyard. We were trying to be -- well, I
9 don't know the right word -- un-invasive as possible
10 because we were afraid he might try to withdraw his
11 consent if we started, you know, digging up the
12 backyard and this type of thing.

13 Q Let me go back to those shoes that were
14 collected. Those were collected under your
15 supervision?

16 A Yes.

17 Q Let me show you State's Exhibit 147. Is that
18 the same pair of shoes?

19 A Yes, sir.

20 Q And then State's 148, are you able to see
21 State's 148?

22 A Yes, sir.

23 Q And what does it appear to be on the bottom
24 of the bottom shoe?

25 A It looks like some kind of sand residue of

1 some sort.

2 Q After you left Mr. Haim's residence on
3 January the 8th of two thousand -- of 1993, did you
4 look at the bottom of your shoes?

5 A I don't recall doing that.

6 Q Okay. Do you recall any kind of mess that
7 you had to clean up after you got in your car?

8 A No, sir.

9 MR. HEAVENER: I have no further
10 questions, Your Honor.

11 THE COURT: Cross?

12 MS. WARREN: Thank you, Judge.

13 CROSS EXAMINATION

14 BY MS. WARREN:

15 Q Nice to see you again.

16 A Thank you.

17 Q You were a homicide supervisor back then,
18 weren't you?

19 A Yes, ma'am.

20 Q And in this case of the State v. Michael
21 Haim, Randy, you didn't write any reports, did you?

22 A No, ma'am.

23 Q You said that you were on Detective Hinson's
24 team, correct?

25 A He was on my team.

1 Q I'm sorry. He was on your team.

2 A Yes, ma'am.

3 Q And your team was assigned this case on
4 January 7th, correct?

5 A Yes, ma'am.

6 Q And it was about 4:00 o'clock in the
7 afternoon when your team was just showing up for work?

8 A Yes, ma'am.

9 Q You worked the night shift back then, right?

10 A Yes, ma'am.

11 Q They had not located the car at the airport
12 when this case was assigned to homicide, correct?

13 A I don't remember the exact time line, but I
14 think we found it later that night.

15 Q Correct. And it was found in a long -- what
16 they call "long-term daily parking" at JIA,
17 Jacksonville International Airport, right?

18 A Yes, ma'am.

19 Q So on the 7th, after the purse is found in
20 the morning, 4:00 o'clock that afternoon, homicide is
21 appointed, correct?

22 A Well, they'd been working it. The other
23 team, other homicide team, Frank Japour's team, had
24 also been involved prior to that.

25 Q For a few hours?

1 A Yes.

2 Q Okay. So correct me if I'm wrong. Frank
3 Japour's team was first assigned this as a missing
4 person or as a homicide on the 7th?

5 A Well, still a missing person but when they
6 found the purse in the dumpster, it raised alarms that
7 this was something other than just your standard
8 runaway. And it indicated there may be some foul play
9 involved and that's why they were involved.

10 Q So it was turned over to homicide immediately
11 because they discovered the purse in the dumpster,
12 correct?

13 A Well, pretty close. I mean, I don't know if
14 it was immediately, but it was pretty close to that.

15 Q All right. Because the purse was in the
16 dumpster, not because they found anything on the search
17 on the 8th at the house on Dolphin, correct?

18 A Right.

19 Q You talked a lot about this being a consent
20 to search on the 8th, and that's why you didn't want to
21 be so invasive, right?

22 A Yes, ma'am.

23 Q You were also there for the search on
24 March 17th that was done pursuant to the search
25 warrant, were you not?

1 A Yes, ma'am.

2 Q And your whole team was with you on the
3 search warrant, were you not?

4 A Yes, ma'am.

5 Q And FDLE came, correct?

6 A Yes, ma'am.

7 Q And cadaver dogs were there, were they not?

8 A I don't remember any cadaver dogs.

9 Q What about air-penetrating radar --
10 ground-penetrating radar? I'm sorry. Were you there
11 when any of that was done?

12 A No. No, ma'am.

13 Q Okay. Did it ever come to your attention
14 that that was done?

15 A I don't know that we ever did any
16 ground-penetrating radar. We may have done some flare
17 searches from the helicopter.

18 Q Were you a part of that?

19 A I did not specifically do it, no, ma'am. But
20 I think I knew about it.

21 Q You knew that it was done, correct?

22 A Yes, ma'am.

23 Q Is that when they went up with the
24 helicopters?

25 A Yes, ma'am.

1 Q And do you know -- are you aware that that
2 was done more than one time?

3 A Oh, yes.

4 Q Are you aware that the neighbors around the
5 house at Dolphin complained because they were doing so
6 many searches?

7 A I eventually found out about that, yes. But
8 I did not know that at the time.

9 Q While you -- Randy, while you were there --
10 THE COURT: Let's -- surnames.

11 MS. WARREN: Sorry, Your Honor?

12 THE COURT: Last names.

13 BY MS. WARREN:

14 Q Mr. Justice, while you were there at the
15 house, whether it be on the 8th of January or pursuant
16 to the search warrant, are you looking -- you're
17 looking for evidence of a crime, are you not?

18 A Yes, ma'am.

19 Q And you're looking for a body, are you not?

20 A We were looking for evidence of a body being
21 disposed of or something.

22 Q Right. You were --

23 A We weren't sure what we were going to find.

24 Q You're looking for evidence of blood, are you
25 not?

1 A Looking for evidence of blood, a struggle,
2 you know.

3 Q Blood spatter?

4 A Blood spatter.

5 Q Torn clothing, unturned furniture, correct?

6 A Yes, ma'am.

7 Q Neither time you saw any of that, did you?

8 A We saw what we thought was blood spatter --
9 blood drop, but I think it turned out not to be.

10 Q When you were out in the backyard, there were
11 other officers out there with you while you were
12 searching, correct?

13 A Yes, ma'am.

14 Q Had you noticed any disturbed ground, you
15 would have acted upon it, would you not?

16 A If we would have found something that we
17 believed was a -- a recently dug grave or hole, we
18 would have investigated, yes.

19 Q How about disturbed grass? What about --
20 without seeing a hole? What about if you just saw
21 grass that had been flattened or moved? Would you have
22 investigated?

23 A Well, if we had found newly planted sod, that
24 would have probably raised some suspicion, yes, but did
25 he didn't find anything like that that I remember.

1 Q You didn't see anything that triggered, in
2 your mind, the possibility of a body being buried in
3 the yard, correct?

4 A No, ma'am.

5 Q You looked in the utility shed that was out
6 in the back, right? Do you remember that?

7 A I personally did not remember doing it myself
8 but I'm assuming somebody did.

9 Q But you remember that you, yourself, actually
10 walked around that house, correct?

11 A Yes, ma'am, I did.

12 Q Okay. And you do remember that there was no
13 areas anywhere on the outside perimeter of that house
14 that looked undisturbed, correct?

15 A Yes, ma'am.

16 MS. WARREN: May I have a moment, Your
17 Honor?

18 THE COURT: Yes, ma'am.

19 BY MS. WARREN:

20 Q What would have happened if you would have
21 smelled bleach? What would that have done?

22 A Well, if it been a significant concentration
23 in an area where it shouldn't have been, that might
24 have raised some suspicion.

25 Q When you were there on the 8th, you didn't

1 make any notations or notify anyone that you smelled
2 any bleach, did you?

3 A No.

4 Q You didn't smell any chlorine either, did
5 you?

6 A No, ma'am, not that I remember.

7 Q And, Mr. Justice, when you walked around the
8 house on the outside, the back and sides, had you
9 noticed any strong pungent odors, you would have made a
10 note of that, wouldn't you?

11 A Most definitely.

12 Q And you didn't, did you?

13 A No, I did not.

14 MS. WARREN: Thank you, Your Honor. No
15 further questions.

16 THE COURT: Any redirect?

17 MR. HEAVENER: No, Your Honor. He may
18 be excused.

19 THE COURT: All right. Mr. Justice,
20 you're excused, sir.

21 (Witness excused.)

22 THE COURT: We have time for a short
23 witness, Mr. Mizrahi?

24 MR. MIZRAHI: Yeah. We're going to take
25 one out of order, if it's okay with Your

1 Honor. We'll call Miss Bruton.

2 THE COURT: Mr. Heavener, you may call
3 the State's --

4 MS. WARREN: That's not a short witness.

5 MR. MIZRAHI: They say it's not a short
6 witness. I think it is. I'd like to get her
7 called because she's been sitting out here.

8 THE COURT: We're going to call her.

9 MR. HEAVENER: Your Honor, Casey Bruton.

10 THE COURT: While she's making her way
11 in, ladies and gentlemen, we've got a witness
12 left. I don't know exactly how long. Y'all
13 good before we take a break? And then after
14 this witness, we'll recess for the night.
15 Okay?

16 A JUROR: Okay.

17 (Witness sworn by the clerk.)

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

20 THE COURT: Yes, sir.

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

24 DIRECT EXAMINATION

25 BY MR. HEAVENER:

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

2 A Casey Bruton.

3 Q And how do you spell your last name?

4 A B-R-U-T-O-N.

5 Q And is that -- is that the name you were

6 going by back in the year 2000?

7 A No. It was Jenrette.

8 Q How do you spell the last name Jenrette?

9 A J-E-N-R-E-T-T-E.

10 Q And, Miss Bruton, where do you currently

11 live?

12 A I live on the west side.

13 Q And how long have you lived in the

14 Jacksonville area?

15 A My whole life.

16 Q Do you work?

17 A Yes.

18 Q What kind of work do you do?

19 A Accounts payable.

20 Q Where do you do that work?

21 A Beaver Street Fisheries.

22 Q And what -- what kind of work were you doing

23 back in the year 2000?

24 A I worked at Burris Logistics and I did the

25 same kind of stuff.

1 Q Are you familiar with a residence of
2 2439 Dolphin Avenue here in Jacksonville?

3 A Yes.

4 Q How are you familiar with that address?

5 A Me and Joey lived in that house, Joey
6 Jenrette.

7 Q Okay. Let me --

8 A My ex-husband.

9 Q Let me show you State's Exhibit 2. That's an
10 overhead of that residence. Do you recognize it?

11 A Yes.

12 Q And does it look fairly similar to the way it
13 looked when you lived there?

14 A Yes.

15 Q And show you State's 3, a little close up.

16 A Yes.

17 Q Let me show you -- I'm going to put a circle.

18 I put a circle in State's Exhibit 3. It's --
19 it's to the left of the photograph, kind of down,
20 bottom center. What was that area of the house?

21 A That's where the shower was at.

22 Q And describe that shower.

23 A It came out of the wall, and there was a
24 pallet there that -- probably four-by-whatever pallet
25 that was there that you stood on to keep from getting

1 your feet all muddy and dirty.

2 Q And let me show you State's 19. Is that the
3 front of the home?

4 A Yes.

5 Q How did you become aware of this particular
6 house?

7 A John Haim was our insurance man. And he told
8 us that his son had a house for rent.

9 Q Okay. And did you -- did you proceed to rent
10 that house?

11 A Yes.

12 Q How long did you and your husband,
13 Mr. Jenrette, live there?

14 A For about a year.

15 Q Did you sign a written lease agreement with
16 the Haims?

17 A Yes.

18 Q And who did you understand you were renting
19 the property from?

20 A From Michael.

21 Q Who was doing the initial showing of the
22 property to you and your husband?

23 A John did.

24 Q Okay. Did you understand John to be acting
25 on behalf of Michael?

1 A Yes.

2 Q And during the course of the lease that
3 particular year, who would you and your husband call if
4 you had issues?

5 A Usually would call Michael. We would call
6 John sometimes if we couldn't get ahold of Michael but
7 usually, it was Michael.

8 Q And did you have any understanding about
9 where Michael was living back in 2000?

10 A I think he was living in Tennessee at that
11 time.

12 Q And who did you make your rent payments to
13 that year you were living in the property, in 2000?

14 A To John.

15 Q Okay. And you moved into the property
16 approximately June of 2000?

17 A Yes.

18 Q And how do you know definitively that was
19 approximately the date?

20 A Because we moved in the day -- the day that
21 we got married.

22 Q And what day was --

23 A That was June 17th, 2000. He went ahead of
24 time. So he stayed there for a week before I actually
25 moved in there.

1 Q All right. Had you rented property, any real
2 estate property, before that particular house?

3 A No.

4 Q Have you rented property after that
5 particular house?

6 A No.

7 Q Okay. Was there anything that you found to
8 be unique about the terms of the lease agreement that
9 you had with Michael Haim?

10 A I'm sorry. Can you repeat that?

11 Q Was there anything unique about the lease
12 agreement that you had with Michael Haim?

13 A Yes. The second agreement that we signed did
14 say that we could not dig or plant anything in the yard
15 and that we could not go into Aaron's room.

16 Q Let me -- let me take those piece by piece.
17 So you said you could not go into Aaron's room.
18 Describe what that room was.

19 A It was his bedroom. It still had his bunk
20 beds, his toy box, that kind of stuff in there, stuff
21 that belonged to him when he lived there.

22 Q Okay. And what was the status of that room
23 during the year that you and your husband rented the
24 property at Dolphin Avenue?

25 A We didn't go in there. We did at the very

1 end go in there, but for the most part, we didn't go in
2 there.

3 Q And as best you can recall, who initially
4 told you that part of this lease was that you couldn't
5 go in that specific room?

6 A John told us at first.

7 Q Okay. And then did you have discussions with
8 Michael Haim?

9 A Yes.

10 Q And what did Michael Haim tell you?

11 A Mike said the same thing. We weren't allowed
12 to do any kind of landscaping or digging in the yard.

13 Q All right. How about the room, Aaron's room?

14 A And that we couldn't touch that room, that he
15 wanted it just like it was.

16 Q So let me -- let me take you back to the
17 instructions about not digging or doing anything in the
18 yard. Do you recall if -- who told you that initially?

19 A John did.

20 Q Okay. And then did you have discussions --
21 specific discussions with Michael Haim about that?

22 A Yes.

23 Q And what did Michael Haim tell you?

24 A Just when we signed the lease, when he came
25 down for us to sign the lease, he just told us that

1 that was the stipulation, that he didn't want us
2 digging or planting anything in the yard, or he didn't
3 want us touching Aaron's room.

4 Q Okay. Did you -- do you recall if your lease
5 said anything about where you could keep your animals?
6 Did you have animals?

7 A Yes.

8 Q Let me back up. I asked a bad question. Did
9 you have animals?

10 A Yes.

11 Q What kind of animals did you have?

12 A We had two dogs and two bearded dragons.

13 Q Did -- did your lease agreement address any
14 special instructions about the dogs?

15 A Yes. We were not allowed to leave the dogs
16 outside whenever we were gone from the property. We
17 had to put them in the master bedroom.

18 Q All right. Let me -- let me show you a
19 picture -- a closer-up picture of that shower area.
20 Let me show you State's Exhibit 37.

21 State's Exhibit 37, does that --

22 MR. MIZRAHI: 23.

23 BY MR. HEAVENER:

24 Q Oh, 23, State's Exhibit 23. Showing you a
25 picture of State's Exhibit 23. Is that generally what

1 the shower area looked like when you moved in?

2 A No.

3 Q What's different about State's Exhibit 23
4 than when you moved in to the property in the year
5 2000?

6 A All the chlorine bottles weren't sitting
7 there. All the chlorine bottles were in the shed.

8 Q Okay. And showing you State's 37. Is that
9 the shed?

10 A Yes.

11 Q And show you State's 39. That's inside the
12 shed?

13 A Yes.

14 Q Okay. When you got to the property in June
15 of 2000, was there chlorine there at the property?

16 A Yes.

17 Q And was it in this shed?

18 A It was.

19 Q Now, if I could go back to State's 23. So
20 you have a recollection that your lease agreement that
21 you signed with Michael Haim said that you had to keep
22 your dog in the master bedroom?

23 A Yes.

24 Q Where would the master bedroom be in relation
25 to the shower and these bottles of chlorine that we're

1 looking at in State's Exhibit 23?

2 A On the complete opposite side of the house.

3 Q Did you have any discussions with Michael
4 Haim about why you had to keep your dogs on the
5 complete other side of the house?

6 A No. I never asked.

7 Q Okay. Did you do -- did you follow those
8 instructions?

9 A I did.

10 MR. HEAVENER: No further questions,
11 Your Honor.

12 THE COURT: All right. Cross?

13 CROSS EXAMINATION

14 BY MR. FALLIS:

15 Q Ma'am, you said there was, quote, exclusive
16 restrictions in the lease that you signed, correct?

17 A Yes.

18 Q I heard you say something about a second
19 lease.

20 A Yes.

21 Q Okay. Let me just show you what's already
22 been marked into evidence as Defendant's 43, exhibit.

23 THE COURT: You wish to approach? You
24 may.

25 MR. FALLIS: I'm sorry.

1 BY MR. FALLIS:

2 Q See if you recognize that, ma'am.

3 A Yes.

4 Q Okay. What does it say?

5 A It says it's a fixed-term residential lease.

6 Q It's a pre-prepared kind of lease, where
7 people just fill in the blanks, right?

8 A Right.

9 Q And this is a lease that both you and your
10 former husband signed.

11 A Yes.

12 Q Right?

13 There's nothing in here in this lease --
14 looking through, there's nothing in that lease that
15 tells you that you can't do any digging or any
16 planting, is there?

17 A Not in that lease.

18 Q Did you look at it?

19 A I've already seen it.

20 Q Now, you said there's a second lease, right?

21 A Right.

22 Q Let me see it. Do you have it with you?

23 A No. That was 19 years ago. I wouldn't keep
24 that.

25 Q Okay. So when we talked about leases

1 previously, you never mentioned, quote, a second lease.
2 Today is the first time you're mentioning a second
3 lease. That's after you've had an opportunity to look
4 at this lease, correct?

5 A Right.

6 Q So you changed your -- or your added
7 something which you hadn't added before -- right? --
8 the fact that you, quote, have a second lease.

9 Now, why would there be a necessity for a
10 second lease?

11 THE COURT: I don't get -- we didn't get
12 an answer to the question. So what's your
13 question, Mr. Fallis?

14 BY MR. FALLIS:

15 Q Why would there be a necessity for second
16 lease if you already had a lease?

17 A Because he wanted to add stuff to that second
18 lease. There were things that were not -- that was not
19 in the first one that he wanted to add to the second
20 lease.

21 Q I understand.

22 Did you ever see -- you were only there for a
23 few months, right?

24 A We were there for a year.

25 Q A year. Okay.

1 Do you know that there were people who moved
2 in after you? Do you know who they are?

3 A The people that lived after me?

4 Q Yeah.

5 A No.

6 Q Okay. They were there about 10, 12 years.

7 Would it surprise you they had same exact lease as this
8 with no restrictions about digging?

9 A I'm sorry. I can't understand you.

10 Q They had the same exact lease, the same
11 restrictions, with no restrictions about digging.

12 A Okay.

13 Q Okay. Now, this thing about the dogs, he
14 wanted the dogs in the room when you were not there, is
15 that -- when you were not at home. Tell me how that
16 went.

17 A It says in that lease that we were not
18 allowed to let our dog roam around. He had to be in
19 the master bedroom whenever we weren't on the property.

20 Q When you weren't on the property.

21 A When we weren't on the property.

22 Q Okay. And is there another good reason for
23 that?

24 A Another reason for?

25 Q Yeah. Maybe he didn't want the dogs barking

1 around and creating a disturbance to the other
2 neighbors. Is that a good reason as well to keep the
3 dogs inside when you're not around?

4 MR. HEAVENER: Objection, Your Honor.

5 THE WITNESS: I don't know. He
6 didn't -- he never said why we had to do
7 that.

8 THE COURT: Hold on. Hold on,
9 Miss Bruton.

10 MR. HEAVENER: Calls for speculation.

11 THE COURT: Sustained.

12 BY MR. FALLIS:

13 Q Can you think of any reason, ma'am, why
14 anybody would want you to keep the dogs inside and not
15 outside?

16 MR. HEAVENER: Same objection, Your
17 Honor.

18 THE COURT: I'll overruled that
19 question.

20 THE WITNESS: Maybe because they didn't
21 want the dog to dig in the yard.

22 BY MR. FALLIS:

23 Q Besides that.

24 A No.

25 Q What would prevent the dogs from digging in

1 the yard when you were home?

2 A Because we never went outside -- let the dogs
3 outside by themselves.

4 Q This doesn't say you have to stay outside
5 with your dogs, does it?

6 A I'm sorry?

7 Q Doesn't say you have to stay outside with
8 your dogs, does it?

9 A No. It didn't say we had to stay outside
10 with our dogs but we did.

11 Q Now, you didn't have restrictions -- your
12 relationship with the Haims wasn't always that good,
13 especially toward the end, correct?

14 A No, not after we had a few run-ins with them.

15 Q Correct. As a matter of fact, one of the
16 them was about bouncing a check, right?

17 A Uh-huh, yes.

18 Q That you bounced. And you did bounce a
19 check, a rent check?

20 A Yes.

21 Q Another one was about the way you had kept
22 the place up. They weren't happy with the way you kept
23 the place up, isn't that right?

24 A That is correct.

25 Q The lizards, the snakes, all that and the

1 dogs and stuff, I mean, they were not pleased with
2 that, were they?

3 A They really didn't have a whole lot to say
4 about the lizards and the snakes.

5 Q Well, I understand. But they...

6 Now, there was also...

7 Okay. Now, there were also instructions,
8 were there not, about keeping up the pool and keeping
9 the place in order?

10 A Yes.

11 Q Now, they, in fact, let you break the lease
12 because they really wanted you out, isn't that right?

13 A Yes. We had bought a house so they told us
14 they would let us out early.

15 Q Well, they said they really wanted you out
16 early, didn't they?

17 A Yes. And we wanted to get out. That's why
18 we bought a house.

19 Q Correct. They were willing to let you out
20 early and let you break the lease without paying
21 anything because they really wanted you out of there,
22 right?

23 A Correct.

24 Q You had some really unusual experiences in
25 that house, didn't you?

1 A I'm sorry. I can't understand you.

2 Q You had some interesting paranormal
3 experiences in that house, didn't you?

4 A Things that couldn't be explained.

5 Q Huh?

6 A There were things that happened that couldn't
7 be explained, yes.

8 Q You saw ghosts in that house, didn't you?

9 A I never saw ghosts in that house.

10 Q Well, some --

11 A I had friend that said they saw a ghost in
12 that house.

13 Q Yeah. And he saw a ghost of a woman carrying
14 a shovel, is that correct?

15 A He said something to that effect, yes.

16 Q And didn't you have a relative that went into
17 the bedroom, and while he was in there, the bed got all
18 soaked with blood? And then when he got up, it
19 disappeared?

20 A No. He sat down on the bed, and when he got
21 up, there was a spot of something red on his leg that
22 we had no idea what it was.

23 Q Right. Okay. But it appeared to be blood,
24 right?

25 A I mean, it was red. I can't say it was

1 blood.

2 Q And then isn't there another experience where
3 a candle lit by itself?

4 A I came home one day and a candle was lit in
5 my house, yes. And I didn't light it and my husband
6 didn't light it. But like I said, I can't explain why
7 it was lit.

8 Q Lit by itself. Is that what you're saying?

9 A Well, I mean. I don't know if somebody may
10 have came into the house or --

11 Q Okay. At that time, whatever relative it was
12 who came out and he had blood on him, you-all went back
13 into the bedroom and you pulled back the covers, right?
14 And there was blood soaked all the way through to the
15 mattress, and you never did find out what it was, isn't
16 that true?

17 A I said there was something red on his leg and
18 it soaked through to the mattress, yes.

19 Q I think you said it was blood. Do you
20 remember giving prior testimony in this case?

21 A No. I said that we thought it was blood and
22 he was bleeding, but he said he wasn't bleeding
23 anywhere.

24 Q Did it look like blood soaked all the way
25 through to the mattress?

1 A Yes, it looked like blood.

2 Q Okay. And it was not there when Joey's
3 brother and your husband went back, right?

4 A No. When they initially went in there, it
5 wasn't there.

6 Q And when -- after you looked and you saw it
7 soaked, then you went back and it wasn't there anymore,
8 right?

9 A Like, days later or right after?

10 Q Right after.

11 A Right after, when we went in there, that's
12 when we said it soaked through to the mattress.

13 Q Okay. And then when was it not there
14 anymore?

15 A I don't remember. I don't remember.

16 Q A day later, two days later?

17 A No. I don't remember.

18 Q Didn't it cause you some alarm?

19 A Did it cause me some alarm?

20 Q Yeah. Did it cause you some kind of alarm,
21 this -- all this phenomena you're seeing in there, this
22 paranormal --

23 A We just thought it was strange.

24 Q I'm sorry?

25 A We just thought it was strange.

1 Q Strange?

2 A Things that happened, that they were
3 unexplained and it was strange.

4 Q I see. Did you call anybody to come and
5 check it out?

6 A No. We never called anybody to come check it
7 out.

8 Q I see. Talking, like, Ghostbusters or nobody
9 like that?

10 MR. HEAVENER: Objection, Your Honor.

11 BY MR. FALLIS:

12 Q Well, there are people who investigate
13 paranormal things, are there not.

14 A Yes, there are.

15 Q Okay. You didn't call any of those people,
16 right?

17 A No. Because we weren't sure that's what it
18 was. We just thought it was stuff that couldn't be
19 explained.

20 Q A ghost walking through the house. You've
21 got candles that light up by themselves, and you've got
22 blood that soaks a bed and disappears. And you don't
23 think that's reason to call somebody?

24 A No.

25 MR. FALLIS: Thank you.

1 THE COURT: Redirect?

2 MR. HEAVENER: Yes, Your Honor. If I
3 can get the defense exhibit.

4 REDIRECT EXAMINATION

5 BY MR. HEAVENER:

6 Q Miss Bruton, I'm going to show you the
7 document that Mr. Fallis was showing you. But we've
8 got a projector so it's going to show up on the screen
9 in front of you.

10 So can you see that? Can you read that at
11 the bottom of your screen?

12 A No. It's not on here.

13 Q Can you touch your screen?

14 A Okay. Yes.

15 Q So that was a copy of the first page of your
16 lease?

17 A Yes.

18 Q Okay. You told us that Aaron's room came
19 furnished, correct? There were bunk beds and --

20 A Correct.

21 Q -- furniture in there?

22 Let me -- do you see what I've just circled?

23 A Yes.

24 Q What does that say?

25 A Bunk beds and drawers in spare room.

1 Q Okay. So that was actually written in your
2 lease agreement.

3 A Yes.

4 Q Okay. If I turn to the second page of your
5 lease agreement, you see down here at the bottom --
6 it's kind of hard to see. But it says Page 2 of 6.
7 You see that?

8 A Yes.

9 Q Okay. If we go to the third page, it says
10 Page 3 of 6, correct?

11 A Correct.

12 Q If we go to the fourth page, it says Page 4
13 of 6, correct?

14 A Correct.

15 Q Go back up about halfway up that screen. It
16 says Clause 14, pets. And what's handwritten in your
17 lease agreement on Page 4 of 6?

18 A Dog will be in back master bedroom when
19 tenants are gone away.

20 Q And there's a little sign or a little symbol
21 right here that I just circled. What is that?

22 A That's an asterisk.

23 Q And who wrote that in Page 4 of your lease
24 agreement?

25 A Michael.

1 Q And who put that asterisk on Page 4 of your
2 lease agreement?

3 A Michael.

4 Q Okay. Now, if we go to Page 5, it says
5 Page 5 of 6, correct?

6 A Correct.

7 Q And I'm going to come back to Page 5. I'm
8 sorry. I showed you Page 6.

9 Says Page 5 of 6, correct?

10 A I can't see. Yes.

11 Q Okay. And the document that Mr. Fallis was
12 showing you, it only has Page 5 of Page 6, correct?

13 A Yes.

14 Q Okay.

15 A I'm assuming. I didn't go through his but --

16 Q All right. Well, here. Let me let you
17 inspect it.

18 THE COURT: You want to approach?

19 MR. HEAVENER: May I approach, Your
20 Honor?

21 THE COURT: You may.

22 BY MR. HEAVENER:

23 Q Ma'am, go ahead and count the number of
24 pages.

25 A There's five pages.

1 Q So if we take that fifth page -- we don't
2 have the sixth page. If we take the fifth page, look
3 at Clause 18. Can you read that for the jury?

4 A Tenant acknowledges receipt of and has read a
5 copy of tenant rules and regulations, which are
6 attached to and incorporated into the agreement by this
7 reference.

8 Q Okay. Is that square checked?

9 A Yes.

10 Q And what's next to the check mark on the
11 square?

12 A An asterisk.

13 Q Okay. Who checked that Chapter 18?

14 A I do not remember.

15 Q Do you remember who put the asterisk next to
16 Chapter 18?

17 A Michael did.

18 Q Okay. All right. And then in the document
19 that Mr. Fallis gave you, was there anything attached?
20 Was any list of rules and regulations attached?

21 A I didn't see. I didn't look at his copy.

22 Q Well, the thing I just showed you, did you
23 see a list of rules and regulations attached?

24 A No.

25 Q There's just Page -- it only goes to Page 5

1 of 6, correct?

2 A Correct.

3 MR. HEAVENER: Nothing further, Your
4 Honor.

5 THE COURT: Is that document in
6 evidence?

7 MR. HEAVENER: It's Defendant's Exhibit
8 No. --

9 MR. FALLIS: I'd like to amend --

10 THE COURT: Hold on.

11 MR. HEAVENER: -- 43 in evidence.

12 THE COURT: It is in evidence?

13 MR. HEAVENER: Yes, sir.

14 THE COURT: If it's defendant's, I
15 haven't admitted it yet so --

16 MR. MIZRAHI: This is part of the
17 stipulation we had that the defendants can
18 use their exhibits during the course of the
19 State's case but for a couple. That was one
20 of the exhibits.

21 MR. HEAVENER: Defendant's Exhibit 43.

22 THE COURT: 43 is admitted into
23 evidence.

24 MR. FALLIS: Your Honor, well, I'd like
25 to amend that or admit -- inadvertently, when

1 we put that in, the last page, which we had
2 here all along, was inadvertently not
3 attached.

4 MR. HEAVENER: I don't mind adding the
5 last page.

6 THE COURT: Well, is that -- look at
7 that real quick and see if there is an
8 agreement. But just keep that amongst
9 yourselves.

10 MR. FALLIS: This is Page 6. Okay?
11 So --

12 THE COURT: Hey, Mr. Fallis, y'all look
13 at it together. If you've got an agreement,
14 let me know. Have this discussion amongst
15 yourselves.

16 MR. HEAVENER: Your Honor, if he wants
17 to add a sixth page, I don't have any
18 objection, but I would like to ask the
19 witness one more question.

20 THE COURT: We will add the sixth page.
21 That's Defense Exhibit 43.

22 And you may ask another question,
23 Mr. Heavener.

24 BY MR. HEAVENER:

25 Q All right. Ma'am, I'm showing you what's now

1 going to be Page 6 of 6. Is -- when you review that
2 page, is that a list of rules and regulations that are
3 attached?

4 A There are -- yeah. There's these provisions
5 on here, yes.

6 Q But is it the -- the document that's
7 referenced in that Clause 18 that was checked on the
8 last page?

9 A No.

10 Q There was supposed to be a separate document,
11 correct?

12 A Correct.

13 Q That's checked on the lease, correct?

14 A Correct.

15 Q But it's not on any of the documents you've
16 reviewed today.

17 A That is correct.

18 MR. HEAVENER: No further questions,
19 Your Honor.

20 THE COURT: Redirect? I mean, do you
21 have another question? That was redirect so
22 we're done.

23 May the witness be excused?

24 MR. FALLIS: I'd like to follow up.

25 THE COURT: What's that?

1 MR. FALLIS: I'd like to follow up.

2 THE COURT: You can follow up on that
3 issue, the six pages.

4 MR. FALLIS: Not just six pages, Judge.
5 Something else he asked before that.

6 THE COURT: You may ask your questions,
7 Mr. Fallis.

8 RECROSS EXAMINATION

9 BY MR. FALLIS:

10 Q That description which he had brought up to
11 you about the dogs and the -- and the master bedroom,
12 isn't it true he wanted you to keep the dogs in the
13 master bedroom as opposed to the living room because
14 there was new carpet in the living room? Wasn't there?

15 A I don't recall there being new carpet in the
16 living room.

17 Q You don't recall that?

18 A No.

19 MR. FALLIS: Thank you.

20 MR. HEAVENER: Nothing further, Your
21 Honor.

22 THE COURT: All right. May this witness
23 be excused?

24 MR. HEAVENER: She may, Your Honor.

25 THE COURT: All right. Thank you,

1 ma'am. You're excused.

2 (Witness excused.)

3 THE COURT: All right, ladies and
4 gentlemen. We will recess for the day.
5 Remember that instruction I've been giving
6 you not to talk about the case among
7 yourselves or anybody else. There may be --
8 I imagine there may be very much a strong
9 temptation when you get home from your loved
10 ones, spouse. Tell me about your day.
11 What's the case about? You must resist that
12 temptation to do that. There will be a time
13 in the not too distant future where you can
14 talk about it to your heart's content. You
15 can't do it now because if you do,
16 inadvertently, somebody's going to say
17 something that they shouldn't, not that it's
18 a bad thing to say. But they'll be giving
19 you something that you heard outside of this
20 room. As I told you, you've got to decide
21 this case based solely on what you hear.

22 Now with that, I do wish you a good
23 evening. Get some good rest. We'll see you
24 back the same time tomorrow. We'll start the
25 trial promptly at 9:00 o'clock. Have a good

1 night.

2 (Jury excused.)

3 THE COURT: Let the record reflect the
4 jury has left the courtroom.

5 Can we address the exhibit introduced as
6 43? Can we number it as No. 1 so it's not
7 quite so confusing?

8 MR. MIZRAHI: The defense did file a
9 list. They just didn't go through it the way
10 I did, Your Honor. There is -- defense has
11 filed an exhibit list with us that has 1
12 through 45. The State has specifically
13 objected to No. 45 and No. 39. We have that
14 list. We've objected to those two. Those
15 two have not been entered into evidence. But
16 Defendant's 1 through 45, with the exception
17 of 45 and 39, have come in as State's -- as
18 Defense's 1 through 44.

19 THE COURT: I'm not quite sure it's
20 clear that I said that. Now we're going to
21 offer -- it's been offered and I will
22 admitted, without objection, Defense
23 Exhibits 1 through 44, excluding No. 45 and
24 excluding No. 39, at least at this time. So
25 we don't have to worry about changing any

1 exhibits.

2 MR. MIZRAHI: Thank you.

3 (The items last above referred to were
4 received into evidence as Defendant's Exhibit
5 Nos. 1 through 28 and 40 through 44.)

6 THE COURT: All right. Anything else
7 before we break for the day?

8 MR. MIZRAHI: We can do this now. The
9 defense and State have signed a stipulation
10 regarding victim ID. It's already been
11 stated in trial, but I will file that at this
12 time.

13 THE COURT: All right. So just remind
14 me when you want that read.

15 And then, Mr. McCallister, just hand it
16 to me at that time, and I'll read that to the
17 jury.

18 MR. FALLIS: Read it anytime.

19 THE COURT: Whenever it's their case,
20 they'll tell me when they want me to read it.

21 MR. MIZRAHI: Okay. We've got it.
22 Thank you.

23 THE COURT: All right. With that,
24 anything else?

25 I'll see you-all tomorrow morning at

1 9:00 o'clock.

2 MR. MIZRAHI: Thank you.

3 (Whereupon the proceedings were adjourned.)

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