

S. A. NO.: 15CF052943AD

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

STATE OF FLORIDA

CLERK NO.: 16-2015 -CF- 7825-AXXX-MA

v.

DIVISION: CR-E

MICHAEL HAIM,  
Defendant.

**MOTION FOR NEW TRIAL**

Defendant, MICHAEL HAIM, by and through the undersigned attorney, THOMAS G. FALLIS, ESQ., of the LAW OFFICE OF THOMAS G. FALLIS, P.A., pursuant to Rules 3.580, 3.590 and 3.600, Florida Rules of Criminal Procedure, respectfully requests this Honorable Court to grant a new trial in the above-styled cause. Defendant states the following grounds for this motion:

1. This Court erred in not granting Defendant's Motion for Judgement of Acquittal made at the close of the State's case.
2. This Court erred in not granting Defendant's Motion for Judgement of Acquittal made at the close of all the evidence.
3. The verdict is contrary to the weight of the evidence.
4. The verdict is contrary to the law.
5. This Court curtailed Counsel's voir dire.
6. This Court prohibited the re-cross of the Medical Examiner.
7. This Court erroneously allowed the admission of Child Hearsay statement "Daddy Hurt Mommy", which severely prejudiced the Defendant. (See attached juror interview, News 4 Jax April 18, 2019.)

8. This Court erroneously allowed the introduction of shell casing.
9. This Court prohibited the testimony of defense witness Mrs. Pascuito.
10. This Court conducted an ad hoc sentencing procedure in which it submitted aggravating departure factors to the jury in a non-capital case.
11. This Court erred in not dismissing the information as legally insufficient.

**WHEREFORE**, Defendant respectfully requests this Honorable Court to grant a new trial for the reasons cited herein.

**RESPECTFULLY SUBMITTED** in Jacksonville, Duval County, Florida, this 22<sup>nd</sup> day of April, 2019.

**LAW OFFICE OF  
THOMAS G. FALLIS, P.A.**

*s/Thomas G. Fallis*

---

**T. FALLIS, ESQUIRE**  
Florida Bar No.: 0699233  
Attorney for Defendant

**I HEREBY CERTIFY** that a copy of the foregoing has been furnished by E-SERVICE to the State Attorney's Office, this date.

*s/Thomas G. Fallis*

---

**T. FALLIS, ESQUIRE**  
Florida Bar No.: 0699233  
2064 Park Street  
Jacksonville, FL 32204  
Tel. (904) 356-6440  
Attorney for Defendant  
E-SERVICE: fallispa@aol.com

# Juror: Michael Haim was 'cool as a cucumber' and 'showed no emotion'

Haim guilty of 2nd-degree murder in 1993 killing of his wife

By Mary Baer [<https://www.news4jax.com/author/marybaer>] - 5, 6 & 10 p.m. anchor

Posted: 9:30 PM, April 17, 2019

Updated: 9:33 PM, April 17, 2019

**JACKSONVILLE, Fla.** - Cindy Leatherbarrow said until she was called to serve on the jury in Michael Haim's case, she had never heard of the 1993 murder of his 23-year-old wife Bonnie, and being selected for the trial was eye-opening.

From Haim taking the stand to his son testifying about uncovering his own mother's remains, the Leatherbarrow said the experience was unprecedented.

## MORE HEADLINES

Michael Haim guilty verdict 'justice for everyone who loved Bonnie' [[/news/michael-haim-guilty-v...](#)]

Defense rests after Michael Haim testifies: 'I would never hurt my wife' [[/news/local/jacksonville/...](#)]

Mary Baer's 1993 interview with Michael Haim: 'Something just wasn't right' [[/news/mary-baer-o...](#)]

"I couldn't believe it. I couldn't believe that he himself (Haim's son) had dug (up) his own mother's skeleton," Leatherbarrow said. "I felt like it was a miracle to be able, that he would be the one to discover this, really. I felt like it was, you know, justice."

Bonnie Haim's remains were found in the backyard of the family's home as her son, Aaron Fraser, was removing an old swimming pool and shower.

"It broke my heart," Leatherbarrow said. "I just felt so sad for him, for his sister, for all the family."

Leatherbarrow believes the testimony of Dr. Heather Walsh-Haney, a forensic pathologist, shut down the defense's case. Walsh-Haney said 80% of the skeleton was found under the outdoor shower and could not have been moved from another location.

"The defense, part of their story was that maybe it was a secondary grave, and when she (Walsh-Haney) testified she was the one that made that seem impossible. Her testimony was the one that, in my mind, let me know that was the primary gravesite," Leatherbarrow said. "She testified how impossible it would be for the bones to be moved, that they would disintegrate."

When Michael Haim took the stand, Leatherbarrow said she was shocked.

"I just couldn't believe that he wanted to. I feel like, almost like, how could you? I felt that he was unbelievable. That there was so little emotion," Leatherbarrow said. "He was cool as a cucumber, but the fact that he showed no emotion, to me, that worked against him."

"The way that he talked about it and went through that night just seemed impossible. To put your child to bed, to have plans for a baby shower the next day," Leatherbarrow said. "I've been married 39 years. If my husband even in the beginning years were to get in the car, I'd be calling everyone. ... I would be so much more concerned than he seemed."

The jurors took 90 minutes to deliberate before finding Haim guilty of second-degree murder. Leatherbarrow said she and the jurors were thorough.

"We went through every piece of evidence. We didn't just decide automatically," Leatherbarrow said. "There seemed to be no one else that was even a possibility."

"I just knew. I just knew. To me, without a shadow of a doubt, and then to have Aaron's testimony at (age) 3-and-a-half that he had talked to the child psychologist and said, 'daddy hurt my mommy,' that was the other piece of evidence that was strong in my mind when I was making my decision."

"My 3-year-old is so smart. He knows exactly what's going on, and he would know. If he would be in that house, he would know if something happened, and he would be able to verbalize it. So I had no doubt that his (Fraser's) testimony was valid," Leatherbarrow said. "I don't know that he saw it, but I know that he knew it. He either heard her scream, or I hope, I pray he didn't actually see it."

Leatherbarrow said sitting on the jury was life-changing for her, and she's grateful to have had a small part in helping bring justice to Aaron Fraser and Bonnie Haim's family.

*Copyright 2019 by WJXT News4Jax - All rights reserved.*