

1           A     Credibility?  If you mean in terms of  
2     did someone want to DC everything in 36 hours or  
3     72 hours, I certainly would say there is something  
4     wrong here.  In view of the length of time here,  
5     yes, I would consider it.  I would be concerned  
6     about factors, factors surrounding that.

7           MS. CAMPBELL:  Thank you.

8           THE COURT:  Anything further?

9           MR. FELOS:  No, Your Honor.

10          THE COURT:  Is Father Murphy under  
11     subpoena?

12          MR. FELOS:  No.  He is not.

13          THE COURT:  Father, thank you very  
14     much.  You are free to go.  All right, Mr. Felos.  
15     Call your next witness.

16          MR. FELOS:  Joan Schiavo.

17          THE BAILIFF:  Stop here.  Raise your  
18     right hand.  Face the judge for me.

19                 (THEREUPON, THE WITNESS WAS SWORN ON OATH BY  
20     THE COURT.)

21          THE COURT:  Thank you.  Have a seat.

22                         DIRECT EXAMINATION

23           BY MR. FELOS:

24           Q     State your full name, please.

25           A     Joan Schiavo.

1 Q Where do you live?

2 A Philadelphia, Pennsylvania.

3 Q Are you married?

4 A Yes. I am.

5 Q To whom are you married, Mrs. Schiavo?

6 A William F. Schiavo, Jr.

7 Q Are you related to Michael and Terri  
8 Schiavo?

9 A Yes. I am.

10 Q How are you related to them?

11 A I'm married to his oldest brother,  
12 Bill.

13 Q When were you and Bill married?

14 A November 11, 1978.

15 Q Tell us, please, your educational  
16 background.

17 A I have twelve years of a Catholic  
18 education. Two-and-a-half years of college, but I  
19 did not finish college.

20 Q Do you have a family?

21 A Yes. I do.

22 Q How many children?

23 A Three. Two boys and a girl.

24 Q Tell us a little bit about your  
25 employment background. Where are you presently

1 employed?

2 A I worked at a place called Bets  
3 Laboratory for eleven years. I stopped working  
4 when I had children. Opened up --

5 Q What did you do at Bets Laboratory?

6 A I was a secretary. My friend and I  
7 opened up our own cleaning business after my  
8 children were a little bit older. I presently  
9 stopped working, doing that, and I start a new job  
10 next week as a medical secretary.

11 Q Do you know Theresa Schiavo?

12 A Yes. I do.

13 Q When did you first meet Terri?

14 A I met Terri at a party that my husband  
15 and I had years ago. She came to it. It was the  
16 first time she met us.

17 Q Was she married to Mike at that time?

18 A No. They were dating.

19 Q I notice you had a smile on your face  
20 when you said you met her at that party. Was  
21 there anything that happened at that party that  
22 was particularly --

23 A Terri and Michael had come in. Michael  
24 had introduced us to her. She was sitting beside  
25 me at the time. My husband was out front at the

1 time. Everybody was drinking. And he was  
2 somewhat loaded at the time.

3 He came walking in the house goofing  
4 around. He told everybody -- there was a song or  
5 something on the radio. He came in dancing. He  
6 yelled out, "Everybody drop your pants," and Terri  
7 cracked up laughing. I knew then that we were  
8 going to get along just fine.

9 Q In the time period that Terri and Mike  
10 lived in Philadelphia, which was I think about the  
11 beginning of '86 -- let me backtrack. Do you  
12 recall when it was you first met Terri?

13 A Well, I was married at the time. I  
14 don't recall the year. I had already had B. J.  
15 '84. Maybe '82, '81. I don't recall the definite  
16 year.

17 Q In the years that you lived in  
18 Philadelphia after you met Terri, how often would  
19 you see Terri?

20 A In the beginning, I did not see her that  
21 often because I didn't know her that well. I  
22 would run into her every once in a while at my  
23 inlaw's house. Every once in a while her and  
24 Michael would come down on the weekend to see us,  
25 and at that time, my son, B. J.

1 Q As you got to know Terri a bit more, did  
2 you start to see each other more often?

3 A Yes. Saw her a lot on the weekends.  
4 Talked to her a lot on the phone and saw her  
5 during the week.

6 Q Did a friendship develop between the two  
7 of you?

8 A Yes.

9 Q How would you describe your friendship  
10 with Terri?

11 A Terri was my best friend and like a  
12 sister that I never had.

13 Q When that friendship developed, how  
14 often would you speak to each other on the phone?

15 A On the phone I would say maybe, out of  
16 seven days, we talked to each other four or five.

17 Q Um-hmm. How often during the week would  
18 you see her when you were best friends?

19 A Mostly on the weekends. Maybe two  
20 times. Two or three times out of the week she had  
21 either come to see us or I'd go down to her  
22 family's house.

23 Q Between talking to her on the phone and  
24 seeing her, would it be fair to say you had  
25 contact with her almost everyday?

1 A Yes.

2 Q How would you describe Terri's  
3 personality?

4 A She was great. She was a lot of fun.  
5 Very caring. Was always there if you needed her.  
6 Always there to listen if you had a problem. She  
7 would do anything for you. She was a good person.

8 Q Did you ever -- would "shy" be a word  
9 you would use to describe Terri?

10 A No.

11 Q Would "reserved" be a word that you  
12 would use to describe Terri?

13 A No. Real outgoing. Always smiling.

14 Q Did she ever seem to be afraid to speak  
15 up or tell her mind?

16 A No.

17 Q What type of things, when you became  
18 best friends, what type of things did you talk  
19 about?

20 A Did we talk about?

21 Q Um-hmm.

22 A Kids. Shopping. My husband. Michael.  
23 Just general conversation.

24 Q Did you ever confide in each other?

25 A All the time.

1 Q What type of things -- did you and Terri  
2 ever go out together?

3 A Yes.

4 Q What type of things did you do?

5 A Went to the movies. We went to the mall  
6 a lot. Sometimes we went to the movies. We went  
7 clubbing.

8 Q You mean nightclubbing?

9 A Yes.

10 Q Did you take your husbands?

11 A Sometimes. Not all the time.

12 Q Now I think you mentioned before that  
13 sometimes Terri would come over to your house?

14 A Yes.

15 Q Did you ever go over to Terri's house?

16 A Um-hmm.

17 Q Before Terri was married, do you know  
18 whether she lived with her parents?

19 A She lived with her parents. Yes.

20 Q Did you ever go over to Terri's parent's  
21 house?

22 A Yeah. I would just walk in.

23 Q Did you and Terri ever have a  
24 conversation about the subject of artificial life  
25 support?

1           A     Yes.

2           Q     Tell me, please, how that came about.

3           A     A friend of mine and her husband had a  
4     baby. It was their first baby, and the baby was  
5     born sickly. They had to put the baby on a  
6     ventilator or machines to keep the baby alive.  
7     And they had to make that decision if they wanted  
8     to take the baby off the tubes and all.

9                     So during that time, I had talked to  
10    Terri about it a lot because I was upset for my  
11    girlfriend. They finally made that decision to  
12    take the baby off the machine.

13          Q     How long of a time was that from when  
14    that first came up for your girlfriend until the  
15    situation resolved for your girlfriend?

16          A     Well, they didn't know anything was  
17    wrong with the baby until after the baby was  
18    born.

19          Q     Um-hmm.

20          A     I would say only within a few months.  
21    Maybe not even.

22          Q     I guess my question was, was this an  
23    ongoing subject that you talked to Terri about?  
24    In other words, did it take a while for the  
25    parents of the baby to make that decision and

1 implement it?

2 A It took -- I guess for the parents it  
3 took a little bit of time to make that decision  
4 because it was their first born baby, and nobody  
5 wants to see that happen. But they knew, for the  
6 baby's sake, there was not anything they could  
7 ever really do for the baby. I would say within,  
8 maybe within a month's time.

9 Q How many times would you say you talked  
10 to Terri?

11 A About that?

12 Q About that situation with your  
13 girlfriend and her baby.

14 A When it first happened, it seemed like  
15 we talked about it a lot. When I talked to her.

16 Q What did Terri have to say in response  
17 to your telling her about that?

18 A She had said that if her and Michael  
19 were ever put in that kind of a situation that  
20 that would be a situation that she really would  
21 not want to have to deal with, but she knows that  
22 her and Michael would make the best decision and  
23 that would be to do the same thing my girlfriend  
24 and her husband did because she would not want to  
25 put the baby through anything like that.

1 Q What was the decision the parents made?

2 A They took all the tubing and everything  
3 off the baby.

4 Q Did you ever have occasion to discuss  
5 with Terri, when talking about the girlfriend, what  
6 your personal preferences may be regarding  
7 artificial life support?

8 A Yeah. We had watched a movie one time  
9 on television. It was about somebody. I don't  
10 remember. I don't remember the movie. It was  
11 about a guy who had an accident and he was in a  
12 comma. There was no help for him. We had stated  
13 that if that ever happened to one of us, in our  
14 lifetime, we would not want to go through that.  
15 That we would want it stated in our will we would  
16 want the tubes and everything taken out.

17 Q When you say "we" had stated it --

18 A Myself and her.

19 Q As best you can recall, what did Terri  
20 say in response to seeing that movie?

21 A She did not like the movie. Just the  
22 whole aspect of family and friends having to come  
23 and see their son or friend like that, she thought  
24 it was horrible.

25 Q Do you know what type of life support

1 the person in the movie was on? Do you recall?

2 A No. I don't know all the different -- I  
3 just know there was some tubes in him. Like what  
4 you call the breathing machine. The feeding  
5 machine. I don't know all the different names of  
6 the machines.

7 Q About how well do you recall these  
8 conversations with Terri?

9 A Well --

10 Q I mean, are you sure Terri did not say  
11 something like, "Gee, if that is me, don't pull  
12 the plug. I want to stay alive like that."?

13 A No. No. I know she didn't say that.

14 Q Did Terri say anything about being  
15 afraid to die and not wanting to let go?

16 A Hm-umm. You mean if she was on those  
17 machines or in general?

18 Q Talking about those machines.

19 A No. She did not want to live like that.  
20 She didn't want to go through that. Have people  
21 come and see her like that. Do that to her family  
22 and friends.

23 Q That is what she said?

24 A Um-hmm.

25 Q Mrs. Schiavo, when did you first relay

1 this information to either me or Mr. Schiavo? Do  
2 you know when you first told somebody about this  
3 information about Terri?

4 A It was you.

5 Q Do you recall when that was in?

6 A September. The fall.

7 Q Did you ever tell Mike about it?

8 A No.

9 Q Regarding the conversations stimulated  
10 by the friend's baby, how many times would you say  
11 Terri expressed her agreement with the parent's  
12 decision not to continue life support?

13 A She agreed with it.

14 Q My question is you said you talked to  
15 Terri about that a number of times?

16 A Um-hmm.

17 Q Did she express her opinion about it  
18 once, or did she express her opinion about it more  
19 than once?

20 A More. Several times. I'd say if I  
21 talked to Terri maybe 14 days about it, she  
22 probably expressed her opinion 12 out of the 14.

23 Q So this was not an isolated comment on  
24 her part?

25 A No.

1 Q When Terri and Mike moved to Florida,  
2 did that affect your friendship with her?

3 A It did not. I talked to her every day.

4 Q How --

5 A I didn't see her, but talked to her all  
6 the time.

7 Q As time went on, after she moved down  
8 here, did you get a chance to visit her?

9 A No. I did not have the finances to get  
10 down to visit. I wanted to. Just did not have  
11 the finances.

12 Q After she was here for a while, about  
13 how often would you talk to her?

14 A Maybe, out of seven days a week, maybe  
15 five.

16 Q How long would the two of you talk on  
17 the phone?

18 A Well, when she called me, we talked a  
19 little bit longer. When I called her, it was  
20 maybe a little bit less.

21 Q In your testimony, you made some  
22 reference to making wills. What was that again?  
23 You mentioned something about you and Terri  
24 talking about making wills?

25 A We had said during the time with that

1 movie, at one time we had said that if, that we  
2 had always wanted stated, my husband and myself,  
3 make up a will. She would want it stated, and  
4 myself, I would, if it came down to something like  
5 that, we would not want any kind of life support.

6 MR. FELOS: Okay. Thank you.

7 THE COURT: Cross-examination?

8 CROSS-EXAMINATION

9 BY MS. CAMPBELL:

10 Q Good afternoon, Mrs. Schiavo. My name  
11 is Pam Campbell. I'm the attorney representing  
12 Mr. and Mrs. Schindler in this case.

13 A Hi.

14 Q Can you tell me approximately when was  
15 the circumstances with your friend's baby? What  
16 year?

17 A What year? Maybe '85 or '86.

18 Q It was before or after Terri and Mike  
19 were married?

20 A After.

21 Q After?

22 A Um-hmm.

23 Q Were her comments in response, in your  
24 conversations pertaining to the issue with the  
25 baby, were they mostly surrounding if she and

1 Michael had a baby that this is what they would  
2 want to do with the baby?

3 A Could you rephrase?

4 Q Um-hmm. When you were having this  
5 conversation with her about your friend's baby --

6 A Right.

7 Q -- you are saying Terri made comments  
8 about that. Were her comments based on what she,  
9 what she would want to do if she and Michael's  
10 child were in a hypothetical setting?

11 A You mean as far as she stating what her  
12 and Michael would do in that situation?

13 Q Right. Right. With a baby.

14 A She told me what her and Michael would  
15 want to do if it was her and Michael in that  
16 situation.

17 Q So her comments were more for a child as  
18 opposed to herself?

19 A At that time.

20 Q When was it that you were watching this  
21 movie, approximately, from a time frame?

22 A It was after that happened with my  
23 friend's baby. I don't know how many years or  
24 months or days. But I would say within a two year  
25 period maybe.

1 Q Had they moved to Florida yet?

2 A No.

3 Q So they were still living in the  
4 Philadelphia area?

5 A Um-hmm.

6 Q Can you describe the scene in the movie  
7 with the man and the tubes?

8 A He was a younger man. I don't remember  
9 the movie. If I'm not mistaken, it was a diving  
10 accident into a pool. He passed away at the end  
11 of the movie. I don't remember the movie. I  
12 really don't remember the movie.

13 Q Okay. Do you remember what the man  
14 looked like? Whether or not he was in a hospital  
15 setting?

16 A In the movie he was in a hospital  
17 setting.

18 Q Do you recall where the tubes were  
19 coming from?

20 A His mouth. He had some in his arm.

21 Q Was it the graphic recitation of that  
22 picture in the movie which stimulated the comments  
23 from Terri?

24 A I think it was the whole situation of  
25 the movie. I don't think that was, it was just

1 that part. That part was very upsetting, but the  
2 whole situation of the movie.

3 Q Was there a long period of time between  
4 his accident and then his hospital stay and his  
5 death in the movie?

6 A What is a movie? Everything is done  
7 within a two hour period anyway, so -- he had the  
8 accident. He was in the hospital. He passed  
9 away. I'm trying to remember. Maybe months to a  
10 year. I forget how long.

11 Q Do you remember when Terri and Mike  
12 moved to Florida?

13 A Yeah.

14 Q When was that?

15 A I don't remember the year. I remembered  
16 it. I didn't want them to go.

17 Q Did you talk to Terri -- you were  
18 testifying about how frequently you talked to her.  
19 Five out of seven days?

20 A Um-hmm.

21 Q Was that right up to the time of the  
22 accident?

23 A Um-hmm. I talked to her two days before  
24 it happened.

25 Q Did she ever discuss with you problems

1           that she and Mike were having?

2           A     No. I mean, no marriage is perfect.  
3           Mine is not. It was nothing out of the ordinary.

4           Q     Did she discuss with you her desire to  
5           become pregnant?

6           A     She wanted children.

7           Q     Do you know that she was going to a  
8           doctor concerning fertility issues?

9           A     I'm trying to remember. Yeah.

10          Q     Do you recall how long of a period she  
11          had been trying to get pregnant?

12          A     No. That I don't remember.

13          Q     After she came, after she and Michael  
14          moved to Florida, did you get to see Terri after  
15          that?

16          A     No. I had three children. My husband  
17          had a new job. The money was not there. But I  
18          would have loved to have gone to see her.

19          Q     Since the accident which occurred to  
20          Terri in February of 1990, did you see Terri  
21          during that time frame?

22          A     Hm-umm. I questioned my inlaws all the  
23          time about it. My brother-in-law. Everybody kept  
24          me informed on what was going on.

25          Q     Have you seen Terri recently?

1           A     No. But I intend to see her while I'm  
2 here.

3           Q     Do you know what type of life sustaining  
4 measures are being taken for Terri?

5           A     What do I understand the update of her  
6 condition is? Is that what you mean?

7           Q     Do you -- is it your understanding that  
8 Terri is on a ventilator?

9           A     Um --

10          Q     The thing that makes her chest go up and  
11 down like you described in the movie?

12          A     No. I don't know. I thought it was  
13 just the feeding machine. Feeding tube.

14          Q     Do you know what a feeding tube would  
15 look like?

16          A     No.

17          Q     So you have not seen Terri as to what  
18 she looks like?

19          A     No.

20          Q     You don't know if she has, is connected  
21 to tubes or anything like that?

22          A     No.

23          Q     When this first happened to Terri, were  
24 you aware of what type of life support she was  
25 having then?

1 A When it first happened?

2 Q Um-hmm.

3 A Yeah. Breathing machine. Feeding tube.

4 Q Did you tell Michael any of her  
5 comments before?

6 A Hm-umm.

7 Q Did you relay any of the comments about  
8 Terri's not wanting to live in a condition like  
9 that to Michael during that time frame?

10 A Not at all. He was going through too  
11 much at the time. I didn't mention it.

12 Q So during this nine year period, you  
13 still have never told him about it?

14 A No.

15 Q Doesn't it seem odd that you would not  
16 tell him?

17 A I think if he questioned me, I would  
18 have told him. He never questioned me. It never  
19 came up in a conversation between him and I. If  
20 he would have said something to me, I would have.

21 MS. CAMPBELL: I have no further  
22 questions. Thank you.

23 THE COURT: Redirect?  
24  
25

## REDIRECT EXAMINATION

1

2

BY MR. FELOS:

3

4

5

6

Q You were asked a question about Terri wanting to get pregnant and seeing a doctor. Did Terri ever mention anything to you about the frequency of her periods or not getting periods?

7

A They were not real frequent.

8

9

10

Q Now the opposing attorney asked you a question when did you have the conversations with Terri about the girlfriend's baby.

11

A Um-hmm

12

13

14

15

16

Q I believe you used the words "after Terri had moved". I want you to clarify that. Did you mean after she moved from her parent's home in Philadelphia or after she moved to Florida with Mike?

17

A The situation with my girlfriend's baby was when she lived here, not in Florida.

18

19

Q When she lived where?

20

A With Michael.

21

Q In what city?

22

A Pennsylvania. Philadelphia.

23

24

25

Q So the conversations you had with Terri about the girlfriend's baby was, I think you mentioned, was in Philadelphia?

1 A Um-hmm.

2 Q Do you know that Terri lived with her  
3 parents in Philadelphia and then, when she  
4 married, she moved and lived with Mike in  
5 Philadelphia?

6 A Um-hmm.

7 Q The movie on television was that, that  
8 occurred before or after the -- did you testify  
9 that occurred before the conversations you had  
10 about the baby? Let me ask it again. The  
11 conversation you had with Terri about a TV show  
12 and the diver not wanting be on life support, was  
13 that before or after the situation came up with  
14 your girlfriend?

15 A After.

16 MR. FELOS: No other questions,  
17 Your Honor.

18 THE COURT: Any re-cross?

19 MS. CAMPBELL: No thank you.

20 THE COURT: You can stand down. I  
21 assume she's not under subpoena?

22 MR. FELOS: She is not.

23 THE COURT: Anything else this afternoon?

24 MR. FELOS: Fortunately, or  
25 unfortunately, we have exhausted our witnesses,

1 too, and should be concluding tomorrow morning.

2 So I want to mention that, so opposing counsel  
3 knows to have her witnesses ready for the start of  
4 her case.

5 THE COURT: Very well. Stand in recess  
6 until 9:00 a.m. tomorrow morning.

7 (THEREUPON, COURT RECESSED AT 4:35 P.M. ON  
8 1-24-00 AND THE FOLLOWING PROCEEDINGS WERE HAD ON  
9 1-25-00 AT 9:00 A.M.)

10 THE COURT: Petitioner ready to proceed  
11 in this case?

12 MR. FELOS: Yes.

13 THE COURT: Respondent ready to proceed?

14 MS. CAMPBELL: Yes, Your Honor.

15 THE COURT: Call your next witness.

16 MR. FELOS: We call Dr. Vincent  
17 Gambone.

18 (THEREUPON, THE WITNESS WAS SWORN ON OATH BY  
19 THE COURT.)

20 DIRECT EXAMINATION

21 BY MR. FELOS:

22 Q State your full name, please.

23 A Victor Gambone.

24 Q Where do you live?

25 A Dunedin.