

Amended, Corrected, E-mail of the E-mail sent out on Friday in which I was promised a personalized response addressing concerns raised:

From: Juan Schoch - juan.schoch@convergys.com
To: jeb@myflorida.com
10/03/2003 03:48 PM
Subject: Complaint re: Sept. 30th Terri Schiavo Update coming from your office in your name

This amended, corrected communication is dated Oct. 6th. I am sending you this corrected communication via e-mail as well as fax:

The "Terri Schiavo Update" e-mail was received by me on Sept. 30th at a different e-mail address (pc93@bellsouth.net. Note: I do have the original e-mail) than the one I responded from on Oct. 3 (see above). Your e-mail "Terri Schiavo Update" of Sept. 30th arrived from your e-mail account (Governor Jeb Bush, jeb@myflorida.com) with the message body indicating that it was coming from the Office of Citizens Services, one Lauren O'Connor. I personally spoke with Lauren and she indicates that although her name is in the e-mail message body as coming from her (or your Office of Citizens Services) she collaborates with your legal team. I am very concerned about the e-mail in that it was sent out on Sept. 30th and is false to facts and is in no way an "Update" on the Terri Schindler Schiavo case as the subject indicated -> Terri Schiavo Update.

Where is the accountability? Whatever is coming out of your office should not be false to facts. Included here is the message body of the e-mail and I will comment as to what I take exception to and I would ask you to help me understand why this was sent out on Sept. 30th. If you are really concerned about the welfare of Terri Schindler Schiavo then please help me understand why this is coming out of your office at this time with false to facts statements not only being sent out to Florida residents but over State lines to other States in our United States of America (might I also add the world). Lauren indicated that I will not receive a form letter in response to this e-mail and that I can expect an e-mail back addressing the issues of which I take exception and any other concerns raised:

begin message body

Thank you for your e-mail expressing concern for the well being of Theresa Schiavo. The Governor also is concerned for her and for her family and is keeping them all in his prayers. The case represents a tragic situation of family disagreement under very trying circumstances.

This office has made several inquiries with agencies responsible for investigating abuse allegations. Neither the Pinellas County Sheriff's Office nor local law enforcement agencies have received or investigated any reports of abuse of Mrs. Schiavo. The office of the state attorney for the Sixth Judicial Circuit, Bernie McCabe, reviewed the matter and found no basis for any criminal investigation.

In keeping with Florida law, our court system oversees the well being of incapacitated adults, including the oversight of guardians and their activities. A Florida court appointed Mr. Michael Schiavo as his wife's guardian more than 12 years ago. In this role, he has been under the supervision of the probate division of the state court system. Critical decisions related to guardianship, including the decision to terminate life support, must be approved by the court. Mr. Schiavo obtained such a court order to remove his wife's feeding tube. Mrs. Schiavo's parents have appealed that order, and the court has postponed the removal of her feeding tube until the Florida Supreme Court reviews the case.

In Florida, these matters are entrusted to the system that our elected officials established to protect incapacitated adults. We must respect that system and trust the judge will listen to the views of all interested family members before reaching a decision in the best interest of Mrs. Schiavo.

It is never easy to make a life-and-death decision for a loved one. Under Florida law, residents can indicate in advance how they want to be cared for should they become unable to express their wishes. The Governor supports the use of advance directives or living wills. These tools ensure Floridians will be cared for in the manner of their own choosing and save their families the anguish of having to make these decisions for them.

For more information on advance directives, please visit these websites:

Aging With Dignity -- Five Wishes Advanced Directive <"agingwithdignity.org/">

American Bar Association Commission on Law and Aging
<"www.abanet.org/aging/toolkit/home.html">

Sincerely,

Lauren O'Connor Office of Citizens' Services
end message body

I take exception to that contained in the following portions of the above e-mail as it is false to facts and is nothing more than misrepresentation. See my comments in between the brackets:

Neither the Pinellas County Sheriff's Office nor local law enforcement agencies have received or investigated any reports of abuse of Mrs. Schiavo.

[Fact: From Affidavit of Patricia Fields Anderson, Esq. dated September 8th, 2003. 17. On Sunday morning, August 31, 2003, still concerned about the ward's condition, I spoke with Everett Rice, Sheriff of Pinellas County, about the events described above

and e-mailed him copies of the affidavits from the caregivers described in Paragraph 3 above. I asked him to take whatever action, as the county's chief law enforcement officer, he felt was appropriate under the circumstances.]

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[Fact: On Sept. 30th the court had not postponed the removal of Terri's feeding tube and the Florida Supreme Court was not reviewing the case. On Sept. 11th, after the Florida Supreme Court shirked their responsibility to a conscious, cognizant (read: not "PVS") resident of Florida, (in which an attempt is being made on her life by termination of her feeding and hydration by a "husband" who has nothing more than criminal intentions and not Terri's best interests at heart and an out of control criminally negligent state court system [at least in this case]), Pinellas-Pasco County Judge George Greer deferred ruling on termination of feeding and hydration until the next week at which time he basically issued Terri's death warrant.

It was obvious that Judge Greer postponed ruling in the case because of the showing that day of people who are concerned about Terri's well-being. I was one of those people. I drove all the way from Orlando to Clearwater to be a witness to so-called justice. He gave the appearance that justice would be served by deferring the ruling and acknowledging that Terri is a human being.

At this Sept. 11th court hearing affidavits which were already in Federal court records were entered into the State court records. Some of these affidavits were of an RN, nurses assistants and or caregivers etc. who were themselves prompted to come forward after your fax letter sent to Judge Greer became known in the press.

The affidavits were entered into the record at that time by Attorney Patricia Anderson. Also in state court records is information (including a Motion to Disqualify Judge) which was entered before Sept. 11th asking Greer to step down because of impropriety in the case.

Through this information it was shown that Greer was biased in the case and actually broke the law by talking about the case to other people (including the press in which he was talking about decisions he was going to be making in the case) without attorneys from both parties being present. Greer spoke to the Sheriff of Pinellas-Pasco County (Everett Rice) at a baseball game indicating his displeasure at your fax to him. This was opposite from what he indicated to the press that he respected the communication because you are the Governor. Also at this impromptu press meeting in his chambers this is where he illegally stated that he is not inclined to appoint a guardian *ad litem*, again anent your communication that he should appoint a guardian *ad litem* in the case and err on the side of life.

Also Sheriff Rice after talking to Greer (after his slip of passing Greer's comments at the baseball game to Attorney Anderson) was influenced by Greer or took it upon himself to call Patricia Anderson back and lie about the fact that Greer spoke to him and told him about his displeasure at a baseball game and that it was the other way around - that Sheriff Rice was the one who voiced his displeasure. This is a bald-faced lie and considering the facts of the matter he tried to cover up that Greer actually was breaking the law by speaking to others without both parties being present and that he had passed this information unthinkingly to Patricia Anderson who had contacted him in regards to the matter of that contained in the affidavits from the nurses, etc. I think it is important enough to include Patricia Anderson's affidavit of Sept. 8th, 2003:

STATE OF FLORID (should read FLORIDA)
COUNTY OF PINELLAS

AFFIDAVIT

BEFORE ME the undersigned authority personally appeared PATRICIA FIELDS ANDERSON, ESQ. who being first duly sworn deposes and says:

1. My name is Patricia Fields Anderson, I am over the age of 18 years of age, and otherwise sui juris. I make this affidavit on personal information and penalty of perjury.
2. I am counsel of record in the Guardianship of Theresa Marie Schiavo, now pending before Hon. George Greer in Pinellas County. In that case I represent Robert and Mary Schindler, parents of the ward.
3. Late week before last, I obtained affidavits from three former caregivers of the ward, when she resided in local nursing homes. Two of those affidavits - Carla Sauer Iyer and Heidi Law - contain statements indicating that the ward's husband / guardian, Michael Schiavo, may have made overt attempts on his wife's life when she was residing in Palm Gardens nursing home before being placed in Hospice Woodside, where she now resides.
4. Over the Labor Day weekend just past, on Friday, August 29, 2003,

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the ward was once again discharged from Morton Plant Hospital. Previously she had been discharged from Morton Plant on August 21 and re-admitted on August 24 in a septic condition with a high fever. Obviously, she was not well enough for discharge on August 21, but

Mr. Schiavo ordered it. Then, on Monday, August 25, with the ward re-admitted to the hospital with sepsis - a description given by Mr. Schiavo's counsel, George Felos, Esq. - Mr. Schiavo filed an emergency motion to discontinue treatment for her.

5. On Tuesday morning, August 26, 2003, at approximately 9 a.m., my office received a phone call from Judge Greer's judicial assistant, clearing a time for a telephonic hearing for 1 p.m. later that day to set a time to hear Mr. Schiavo's emergency motion. At about 9:30 a.m., my office received a telefaxed letter, signed by Governor Jeb Bush, to Judge Greer requesting that Judge Greer appoint a guardian ad litem in the case.

6. During the 1 p.m. telephonic hearing, Judge Greer ruled that the matter of discontinuing medical treatment for the ward was not appropriately presented to the court by motion but should be presented by formal petition, with the attendant formal notice. Thus, Judge Greer, in effect,

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rebuffed Mr. Schiavo's request not to treat the ward's medical condition, but Mr. Schiavo had made plain his intention that he wanted his wife to die right away. I know that reporters for the local media were present in Judge Greer's chambers during the telephonic hearing.

7. Both the Tampa Tribune and the St. Petersburg Times printed stories about the Governor's letter the following day, Wednesday, August 27, 2003. Both of those news stories attributed similar statements to Judge Greer that he did not make during the telephonic hearing. The local electronic media also carried stories about the case, as well. One of the local electronic outlet attributed a statement to Judge Greer was that he was "not inclined" to appoint a guardian ad litem for the ward, a matter of grave concern to me and my clients and a matter presently pending before Judge Greer. A copy of the transcript of the telephonic hearing was previously attached to the Motion to Disqualify Judge and is incorporated herein.

8. Specifically, the only mention on the record of the Governor's letter appears on Page 18 of the transcript:

I also, and I assume everybody know that, I received a faxed letter from the Governor today. He is asking certain things. What I

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intend to do with that letter is file it as I have done with other correspondence. It will be in the Court file.

9. The St. Petersburg Times reported that Judge Greer said, "I respect the Governor's position. Beyond that, (his letter) is going in the court file." The Times also reported "Greer said higher courts have mapped out how the case must proceed, and decisions by those courts don't call for further delay." The Times reported "Greer said he wasn't engaged in a 'popularity contest.' 'I don't go out on the street and survey how I'm supposed to rule.'" These statements were not made on the record, with counsel for the parties present.

10. The Tampa Tribune, similarly, reported that Judge Greer said "I read [the request from Bush] because it came from the Governor and I respect his position... Beyond that, it is going in the file." The Tribune reported "But appeals courts have already looked at the guardian issue and decided that Greer fulfills that role, the judge said Tuesday. Also, Greer said, he is under specific orders from the 2nd District Court of Appeal to schedule the removal of Schiavo's feeding tube." These statements were not made on the record, with counsel for the parties present.

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11. In reading the newspaper stories and watching and listening to the electronic reporting, because of the similarity of the statements attributed to Judge Greer in both of the local newspapers and the local television and radio newscasts, it was apparent to me that Judge Greer must have made comments about the case after the conclusion of the hearing and while the reporters were still present. These comments were of more than an informational nature and indicated a predisposition to rule against the Schindlers' Petition for Immediate Therapy.

12. On Wednesday or Thursday, I learned from a local reporter that, in fact, the reporters stayed in Judge Greer's chambers after the conclusion of the telephonic hearing for some period of time, asking him questions and recording his responses. It is my firm conviction that Judge Greer, in effect, held an impromptu press conference about the merits of a case pending before him, without counsel for the parties being present.

13. I know for a fact that Judge Greer on more than one occasion has spoken directly and privately to a local news reporter about this case,

on the telephone. For example, in the summer of 2002, on the afternoon of July 10, after the conclusion of a lengthy hearing in the case during which medical testimony was received by the Court, Judge Greer told the reporter that certain testimony "made the hairs on the back of my neck stand up on end." The reporter repeated Judge Greer's comment to me, when he called me for a comment either that day or the next. I did not make an issue of these earlier comments at the time they occurred, but Judge Greer's recent conduct greatly alarms me and my clients.

14. Meantime, with yet another discharge of the ward from the hospital at mid-day on Friday, August 29, 2003, it appeared to me that Mr. Schiavo was attempting an end-run around Judge Greer's order to continue treatment. I immediately began making preparations to file a federal complaint in the United States District Court in Tampa to get emergency relief over the Labor Day weekend.

15. In the early morning hours of Saturday, August 30, 2003, some twelve hours or so after her last discharge from Morton Plant Hospital, Hospice Woodside called an ambulance to take the ward back to Morton Plant Hospital. According to her brother, who had spent

Friday night with the ward at Hospice, the ward had had an hour-long coughing and choking spell and her blood oxygen levels were low.

16. Later that morning, the ward was returned to Hospice Woodside on Saturday, August 30. At 10:30 a.m. that same day I filed a complaint and motion for temporary restraining order with the United States District Court in Tampa, at that time unaware of the ward's precise whereabouts or condition. I still have no information about why the ward was not admitted as an in-patient on Saturday, August 30 or what treatment, if any, was administered to her by Morton Plant Hospital as an out-patient.

17. On Sunday morning, August 31, 2003, still concerned about the ward's condition, I spoke with Everett Rice, Sheriff of Pinellas County, about the events described above and e-mailed him copies of the affidavits from the caregivers described in Paragraph 3 above. I asked him to take whatever action, as the county's chief law enforcement officer, he felt was appropriate under the circumstances.

18. During that conversation, which occurred about 8:45 a.m., Sheriff

Rice told me that he had attended a ball game the night before with Judge Greer and that Judge Greer had told him that if Governor Jeb

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Bush were a lawyer, the letter the Governor had sent to Judge Greer the preceding Tuesday would be an improper attempt at ex parte communication and would be reportable to the Bar. I concluded from this remark that Judge Greer was speaking about the case to others without counsel for the parties being present.

19. On Thursday, September 4, 2003, in conversation with Larry Crow, Esq., co-counsel for Mr. and Mrs. Schindler on this case, I learned that Judge Greer had made a virtually identical statement to a Deputy Attorney General in the Tampa office of the Florida Attorney General, namely, that were Governor Bush a lawyer, his letter to the judge would be a grievable offense under Florida Bar rules.

20. Mr. Crow filed a Motion to Disqualify Judge with our respective affidavits concerning these matters about 4 p.m. on Friday, September 5, 2003. Mr. Crow hand-delivered a courtesy copy of the motion and the affidavits to Judge Greer's chambers.

21. About 6 p.m. or so, I returned to my office from taking a short break outside the building. Sheriff Rice had called me, so I returned his call. When I spoke to him, he was very agitated about my affidavit that had just been filed. He impressed upon me that it was not Judge Greer

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who had made the comment about Governor Bush's letter, it was he, himself, who had made it, and furthermore, the Sheriff stated that he had told me that Judge Greer did not discuss the case with him.

22. It is my belief that Judge Greer contacted Sheriff Rice on Friday afternoon, September 5, 2003, after he read my affidavit in support of the motion for his disqualification and either asked or instructed Sheriff Rice to call me immediately to get me to withdraw my affidavit. There is no other plausible way that Sheriff Rice could have known about the motion and affidavit. I certainly did not tell him of the affidavit or motion ahead of time and did not furnish either to him.

23. That conclusion that Judge Greer had alerted Sheriff Rice was buttressed when I spoke with Larry Crow later on in the evening on Friday, September 5, 2003. His affidavit supporting the motion for disqualification recounted a conversation he had had with the Deputy

Attorney General John Carassas in Tampa. Mr. Crow told me that over the course of a few hours during Friday evening, Mr. Carassas left numerous messages on Mr. Crow's cell phone and home phone. My recollection is that Mr. Crow told me there were eleven messages on his cell phone that evening, only one not from Mr. Carassas.

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24. Furthermore, this morning, Monday, September 8, 2003, I spoke with Representative Don Davis, a member of the Florida House from Jacksonville, who called me. He said he, too, has spoken with Mr. Carassas about the Terri Schiavo case. Among other things Mr. Davis told me is that Mr. Carassas had spoken with the judge about the case and that the Attorney-General's Office was "monitoring" the matter.

25. When I arrived in my office this morning, I had received a faxed letter from Sheriff Everett Rice, bearing today's date. A copy of this letter is attached hereto and incorporated herein. This letter begins by reference to an "affidavit which you faxed to me on September 5, 2003." I did not fax an affidavit to Sheriff Rice on September 5, 2003. If he received a faxed copy of an affidavit on September 5, 2003, it did not come from my office. It is my belief, however, that Judge Greer or someone at his direction may have faxed my affidavit to Sheriff Rice on Friday afternoon, and it is that fax that prompted the Sheriff's call to me.

26. Notwithstanding Sheriff Rice's telephone call to me on Friday, September 5, 2003, and his letter to me of September 8, 2003, my memory of the conversation I had with the Sheriff is as stated in

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Paragraph 15 (note: should read 18), above. I have no recollection of Sheriff Rice telling me that Judge Greer had not discussed the case with him. When I had originally spoken with Sheriff Rice early on Sunday morning, August 31, 2003, he had just awakened. Our apparently differing memories of that conversation may be attributable to that fact.

27. During the conversation with Sheriff Rice on Friday afternoon, September 5, 2003, he told me that he and Judge Greer were friends and that I was going to get him in trouble with either the Judge or the Governor. I can appreciate the Sheriff's position and bear no ill will toward him, of course, but this matter is too important to ignore.

28. It is my firm conviction that, upon receiving the Motion to Disqualify

Judge and the supporting affidavits late on Friday afternoon, Judge Greer contacted both Sheriff Rice and Deputy Attorney General John Carassas, in an attempt to attack the factual basis of the motion and affidavits. Such an attempt is way beyond the bounds of the judicial function and demonstrates vividly my belief that Judge Greer has become an advocate in this case. Such actions are much more extreme than debating the accuracy of fact allegations in this type of motion in open court, which the Canons of Judicial Conduct forbid. It is my

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belief that Judge Greer is no longer possessed of the cold, impartial neutrality that the Canons require of any judge. It is my belief that Judge Greer has entered the arena. It is my further belief that Judge Greer's actions create the appearance of impropriety.

29. Inasmuch as the Court's failure to appoint an independent guardian for the ward is of great and immediate concern to me and my clients and the subject of a pending motion before Judge Greer, I fear that Judge Greer has pre-judged this issue, as indicated by his statements to the reporters, to the Sheriff, and to the Deputy Attorney General. I further believe that Judge Greer is repeatedly speaking about this case to others, out of the presence of counsel for the parties.

30. Mr. Crow and I are bringing the present motion in good faith and not for any purpose of delay or any other improper purpose. Mr. Crow and I tried to avoid filing these motions by requesting an administrative reassignment of the case, but those efforts were not successful.

FURTHER AFFIANT SAYETH NAUGHT.

<signed>

Patricia Fields Anderson, Esq., Affiant

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SWORN TO AND SUBSCRIBED before me this 8th day of September, 2003 by Patricia Fields Anderson, who is personally known to me and who did take an oath.

<signed>

Notary Public

KATHLEEN R. THOMPSON

My commission expires:

<Notary seal of KATHLEEN R. THOMPSON>

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Even after these facts Greer refused to step down from the case and consequently proceeded to issue Terri's death warrant even in light of all the information anent the criminal actions, words, intentions of Michael Schiavo. How are you going to explain this away? Where is the accountability? Even you yourself as head of the State of Florida should be acting as a protector of Terri Schindler Schiavo. You could just as well be considered a guardian (as a state actor) to Terri Schindler Schiavo. Judge Greer abused his guardianship of Terri and allowed another guardian (Michael Schiavo, who has obvious criminal intents) to get the courts (I might add through deceit) to issue Terri's termination of feeding and hydration order based solely on hearsay evidence and even after the fact of a malpractice lawsuit (Nov. 1992) in which Terri's rehabilitation was promised. After Michael received the money he issued a Do Not Resuscitate order in regards to Terri. Again I ask how are you going to explain this away? The issue is not going to go away and you shouldn't be sending out false information regarding this case under color of a "Terri Schiavo Update" on Sept. 30th. Can you understand my outrage as a resident of Florida and a United States Citizen that this is happening on the various levels of our government and also what is coming out of your office? Where is the accountability and what are you doing about it? Terri deserves to live and she deserves the rehabilitation she was promised. Why was the information sent out on Sept. 30th not indicating that Judge George Greer issued his final order of Terri's termination of hydration and feeding to commence on Oct. 15th, etc. and that the matter is now at the Federal level under the jurisdiction of Judge Richard Lazzara of which a hearing is to occur on Oct. 10th? This appears to be (although you as Governor certainly know what can be done) absolutely Terri's last chance to receive justice in this matter and if you are really concerned about justice and Terri's well-being then why is false information being sent out from your office? Terri did not have the opportunity of having a living will and was criminally denied her right to life via hearsay evidence by the State of Florida. She was promised rehabilitation and she deserves that rehabilitation. I am awaiting the promised personal response from you anent my concerns.

P.S. I would also like to know why the buck was being passed around when I tried to contact your office and was told that there was nothing that you could do about Terri's situation. I was then patched to the Attorney General's Office upon request and was told that they could not do anything unless you ordered it and that it was a judicial matter, etc. This was a day before your fax letter to Judge Greer. Where is the break down? Also why cannot you convene a special session anent Terri's situation to change the

law concerning 'exit protocols', etc. and people who have criminal intentions as guardians (who should not be guardians) esp. when those intentions come to light, etc.?)]

Sincerely,

Juan Schoch
Concerned Florida Resident
United States Citizen
Mobile: (407)925-4141
Pager: (407)524-0453