

June 30, 2005

Honorable Jeb Bush
The Capitol
Tallahassee, FL 32399-0001

Dear Governor Bush:

I am in receipt of your letter dated June 17, 2005, requesting that this office conduct an inquiry into certain questions raised as a result of the release of Dr. John Thogmartin's report regarding the autopsy he performed on Terri Schiavo. Further, you urged that this inquiry be conducted without any preconceptions as to the outcome. We have attempted to follow this sound advice, unlike some pundits, some "experts," some e-mail and Web-based correspondents, and even some institutions of government that have, in my view, reached conclusions regarding the controversy surrounding Mrs. Schiavo based upon such preconceptions and/or misinformation.

Enclosed with this letter is a Memorandum which describes the review and analysis that was conducted by two of the most experienced and capable prosecutors in this office. I have separately reviewed this Memorandum and the thorough, professional Report of Autopsy provided by Dr. Throgmartin. As a result, I fully concur with the conclusions contained in the Memorandum.

In summary, while there have been discrepancies that have existed over what time Mrs. Schiavo collapsed relative to what time paramedics were called, all available records indicate that it has been Mr. Schiavo's consistent position that he called 911 immediately after her collapse. This consistency, coupled with the varying recollections of the precise time offered by other interested parties, lead me to the conclusion that such discrepancies are not indicative of criminal activity and thus not material to any potential investigation.

With regards to the fact that Dr. Thogmartin was understandably unable to determine the "manner of death" with reasonable certainty, it is axiomatic that there be some fact(s) or evidence indicating that a criminal act or agency caused death in order to invoke the investigative jurisdiction of this office. A review of the available records, including Dr. Thogmartin's report, reveals no "facts" or "evidence" that indicate a criminal act or agency was causative of Mrs. Schiavo's collapse or subsequent death. As pointed out by Dr. Thogmartin, there are several hypothetical theories that could be advanced, but I have concluded, though not with reasonable certainty, that the most likely hypothesis for the cause of her collapse was the one advanced during the 1992 malpractice litigation, i.e., an eating disorder.

I realize that this review does not provide definitive answers to the questions you sought to have answered. However, I feel comfortable in stating, without

preconceptions, that these are the probable answers when one considers all of the records and reports available at this time.

Sincerely yours,

Bernie McCabe
State Attorney