

*Diane Fleming testimony for Sunday, June 11, 2000:*

And when he came back from basketball, what did he do?

A Well, he was hot. Excuse me, my allergies. He was out and I fixed dinner, but I made a light dinner because usually when it was hot, he didn't want a lot to eat after playing ball. And he didn't really eat anything, which wasn't uncommon, may have eaten a little bit, but not really.

Q What did he do after that?

A He just kind of laid on the couch and watched TV. I think later he did eat some ice cream. And then he went to bed about /// he usually went to bed between 9:30 and 10:00, I believe it was a little bit earlier that night. It was more like between 9:00 and 9:30.

...[Gatorade bottle discussion]

Q Now, at some point Chuck goes to bed?

A Uh-huh.

Q And then you go to bed?

A Yes.

Q And do you all sleep in the same room?

A Yes, we do.

Q In the same room?

A Yes.

...[discussion about son Chuckie]

Q The next morning did anything occur with /// did your husband get up?

A He got up about /// he usually got up about quarter after /// five-thirty or quarter to six. He got up. He was always out of the house in like 10 or 15 minutes. I was still in bed because I don't get up until later. And I became aware that he was over here (indicating) getting dressed in the chair and he was kind of groaning and making noises. And, you know, so finally I said, What's wrong. And he said, Well, I really don't feel good. And, you know, we kind of talked about that, what's wrong, you know, Well, stay home. No. You know, which was typical, he'd usually /// he woke up a lot of times not feeling good and still went to work..

Q Now, you said you slept later. How late did you sleep?

A Probably 7:00 or 7:30.

...[discussion about taking daughter Meagan to school]

Q Okay. And as you were driving to school, did you see anything?

A On Lakebluff Drive, we met Chuck coming back home. And I had noticed when we got in the Jeep /// because he alternated vehicles each week. The previous vehicle he had drove /// driven the Jeep and he had driven the car that week. His briefcase from work with a big, thick stack of papers of stuff he was working on for Philip Morris was still in the Jeep. So, I said to Jeffrey, Oh, I bet he's coming back after his briefcase. So, I got on my cell phone and called Chuckie who was still at home and said, Chuck is on his way home. If he's there for the briefcase, tell him I'll be right back, I've run to take Meagan to school.

Q Did you have any concept that he was sick or going to stay home at that point?

A Not really because, you know, he often went to work sick. So, once he went to work, I didn't really think a lot more about it. <p251>

Q When you got home, when you came back from dropping Meagan at school, where was he?

A He was laying on the couch.

Q And did he stay home the rest of the day?

A Yes, he did.

Q And there were indications that he had been sick at that point?

A Yes. He had a stain on his pants.

Q Did you ask him if he wanted you to call a doctor?

A Oh, yeah. And he said, No, I'm /// I can't go to the doctor because I can't stand to ride in the car because I'm too sick, and just typical.

Q Later that day did things seem to be getting any better?

A I was gone for a little while running some errands, and when I came back, he had changed clothes. So, I washed, you know, put the soiled ones in the washer. And he was telling me that he had thrown

up several times while I was gone in an hour or two.

Q Did there come a point in time where he complained of something other than nausea?

A Well, much later, after I had /// finally I said, Let me call the doctor and see if I can get something for your nausea, maybe he'll give you something or call in something over the phone. The nurse said to try Diet Coke <p252> flattened /// I mean flattened Coke, which I sent Jeffrey up to the drink machine at the pool because we didn't have anything but Diet Coke and he was trying that and it wasn't helping. He was still /// couldn't hold it down. So, I had a call into the doctor and the nurse said, If you haven't heard anything back by five o'clock, we've called in something, some suppositories or something for him. So, at five o'clock, I left and ran up to the Winn-Dixie pharmacy to pick those up.

And when I got home, I met Jeffrey coming /// excuse me /// he was going to pick Meagan up from swim practice, and I said /// we rolled down the windows and I said, How is Chuck, and he said, He's upstairs. Which he hadn't been in the mood to walk around. So, when I got there, he was upstairs and he was trying to lay on the bed. He was complaining about being short of breath. And I said, Well, I got these suppositories and he said he wasn't nauseous anymore. So, he was real uncomfortable. He was trying to get comfortable, and he said when he laid down, he couldn't breathe. And I said, Well, you know, what do you want me to do, do you want me to take you to the hospital or what. And he didn't know. He just /// he said, I don't know, I don't know, I don't know what's wrong. Finally, I said, Well, can I /// finally I asked him several times, Can I call 911, can I call an ambulance. And finally he said yes. That was <p253> probably about between 5:30 and 6:00. Well, I got home at 5:30, so it was probably about 6:00.