

**Drew Peterson Trial 2012 - Murder of Kathleen Savio
People of the State of Illinois v. Drew Peterson (09CF-1048)
Will County, Joliet, Illinois**

Dr. Gene Neri Testified August 17, 2012

**A Personal Collection of Found Materials ("as is")
(Note: This is "not" an official legal court transcript)
(Dialog spacing done below for format and reading ease)**

In Session
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August 17

Watch this thread for live updates from the Drew Peterson trial!

Prosecution PIO Chuck Pelkie just gave us the proposed rundown on today's witnesses. First up will be Scott Rossetto, Stacy Peterson's friend...he'll be questioned by James Glawgow.

In Session

Judge Burmila has taken the bench. He sends for the jury.

August 17 at 10:27am · Like · 13

08/17/2012: Prosecutor John Conner on direct examination

In Session

The jurors enter the courtroom, and the prosecution calls its first witness:

Dr. Gene Neri (questioned by prosecutor Connor).

He is a neurologist, and goes over his educational and professional background.

"Did you have an opportunity to treat Kathleen Savio Peterson?"

"Yes"

(between 1999 and 2002).

"She came in, she was 35, and she had been referred by a pain specialist; she was having pains in her neck, shoulders, and some numbness and tingling in the arms, hands ,and feet."

He treated her for “cervical vertigo . . . it’s a feeling like you have the whirlies . . . the origin is the neck; it’s usually related to the neck muscles.”

“What was it that you were doing to treat her?”

“If it develops as a result of stress, as it was in her case, you have to get to the root of the problem. In her case, she was not sleeping . . . she was horribly sleep-deprived . . . your pulse rises, and your hands sweat . . . and commonly the muscles in your neck get very tight. It’s a very common place for your fight-or-flight chemicals to go.”

August 17 at 10:35am · Like · 13

In Session

“When you have a lot of stress and both sides are tight, you feel very unsteady. That’s what we call cervical vertigo.”

“Have you treated other patients with cervical vertigo?”

“Hundreds.”

“The condition that Kathleen Savio had, would that have caused her experience any sort of unsteadiness, such as falling down?”

“Although she felt unsteady, the chances of falling are actually less than the common person . . . you’re very cautious, and you hang onto things.”

“Can you please explain how you treated the stress that Kathleen Savio was experiencing?”

“If you don’t treat the underlying problem, getting the serotonin and the adrenaline balanced, it just keeps coming back. So I gave her lorazepam, an anti-anxiety drug . . . with that, I knew she’d make an adequate amount of serotonin. And then I gave her Zoloft, which helps her store the serotonin she’d already made.”

August 17 at 10:38am · Like · 8

In Session

The attorneys approach the bench for a sidebar.

August 17 at 10:38am · Like · 10

In Session

The sidebar ends.

The judge then excuses the jurors, and leaves the bench.

We are apparently in a brief recess.

August 17 at 10:40am · Like · 10

In Session

Judge Burmila is back on the bench.

He then calls the attorneys to a sidebar.

August 17 at 10:51am · Like · 4

In Session

The sidebar ends.

Then, once again, the judge leaves the bench.

August 17 at 10:53am · Like · 5

08/17/2012: Defense Darryl Goldberg challenges Dr. Neri as expert

In Session

The judge returns to the bench (but the jury is not present).

The witness says he's testified many times, and has always been qualified as a witness. But before he can be qualified as an expert in this case, he is challenged by defense attorney Darryl Goldberg, who asks him about a case in Texas.

"That was the one where the court said that you failed to describe the applicable standards of care . . . does that ring a bell?"

"No."

"Are you saying you have absolutely no recollection of the court not allowing you to testify in that case as an expert witness?"

"No."

"In this particular case, the last time you treated Ms. Savio was in 2002?"

“Right.”

“Two years before her passing?”

“Yes.”

“You understand each patient presents to you a unique set of conditions or variables?”

“Yes.”

“There’s a myriad of conditions that each individual person can come in and present to you?”

“Correct.” Objection/Sustained.

“Cervical vertigo is not a common diagnosis . . . there’s not a lot of research or literature to support that diagnosis?” Objection/Sustained.

August 17 at 11:04am · Like · 7

In Session

The witness is asked to leave the courtroom.

Once he’s gone, the discussion continues.

Connor says that he wants to tender the witness as an expert in neurology and psychiatry, which Goldberg insists is a surprise to the defense.

“I think it’s completely improper for discovery purposes.”

Judge Burmila then questions Connor about Dr. Neri’s general expertise.

Connor: “He’s been treating patients since 1979, and been testifying twice a year . . . in the case that counsel brought up, the court had an issue with his report, and whether what he’d been asked to opine on had been adequately discussed.”

Judge: “The issue of him testifying as a treating physician, there’s no question about that . . . but when you give somebody an opinion that just says, ‘I agree with everybody else,’ that’s inadequate.”

Connor: “The only opinions he’ll be testifying about are what he said at the grand jury or the hearsay hearing. Counsel has had that for years now.”

Judge: “I believe if you’re going to offer somebody as an expert, you have to advise the other side what his expert opinion is, different from a treating physician . . . there’s no question the doctor is qualified; he did treat Miss Savio . . . why he arrived at his diagnosis is certainly an area he can testify to . . . as to his expertise to testify about cervical vertigo in a general

sense, and to say that because other people wouldn't fall down, Ms. Savio wouldn't fall down, I don't think those two things necessarily follow one another . . . in this particular instance, I'm not going to allow him to testify as an expert in that area, but he can testify as to anything he did for Miss Savio."

The judge then sends for the witness and the jury.

August 17 at 11:18am · Like · 4

In Session

The witness and the jurors are now back in the courtroom.

The witness then identifies "a drawing I made for Kathleen Savio at the time of her first visit. The drawing is then projected for the jury. "This is a little messy . . . basically, what you see here is muscle, specifically the muscle of the neck and shoulder areas. It shows a pulling . . . the next thing is, why is the muscle so tight? It's adrenaline, your fight or flight chemical . . . in her case, it was going to the neck, primarily, causing this spasm. And that just keeps coming. Adrenaline is the body's answer to stress . . . she certainly was depressed, and certainly was anxious. It was causing the adrenaline to come out, and the adrenaline was causing the muscles to be tight . . . causing this cervical vertigo."

August 17 at 11:22am · Like · 11

In Session

"In your brain, you need a balance between adrenaline, your fight or flight chemical, and serotonin, your feel good chemical. The problem is that serotonin is only made, and the only time to make it is deep sleep, stages three and four. If you don't make it, the level falls. If it falls, the adrenaline rises . . . which is why if you're short of sleep you tend to be a little anxious. She was very anxious. The imbalance of those two chemicals causes you to be depressed . . . it's like a vice, and it compresses the nerves that come out of the neck, which is what was causing the numbness and tingling."

He prescribed Lorazepam for Savio's condition.

"You have to get the serotonin level up . . . the way to help her sleep is to add Lorazepam at bedtime. And then in the morning, after you make it, we add a serotonin saving agent, like Zoloft . . . now you 're not pouring gas on this fire anymore."

"Did you notice that she was having any difficulties with the Zoloft?"

"Absolutely none . . . I started her on 50 mgs, and I recall at one point she went up to 100 . . . sometimes she'd drop it down to 75, and sometimes back to 50. Some psychiatrists, I've seen them go up to 200, 250 mgs a day."

"She was attempting to cut her dosage in your treatment of her?"

“Always.”

“Did you notice any ill effects from the Lorazepam?”

“Absolutely not.”

“Did she make progress?”

“She made a lot of progress. The muscles started to loosen, and all the tingling and numbness went away. The neck tension was improved, the headaches were improved, the cervical vertigo was improved. Everything was improved.”

August 17 at 11:27am · Like · 17

In Session

“In your opinion, did any of her symptoms indicate that she was predisposed to slip or fall in a bathtub?”

“No.”

“How long does it take for Lorazepam or Zoloft to get out of a patient’s system?”

“Lorazepam is widely known as a 7-1/2 hour drug . . . Zoloft is about the same; it’s a once-a-day drug . . . it’s just one Lorazepam dose at bedtime carries you through the night; one Zoloft in the morning carries you through the day.”

That concludes the direct examination of Dr. Neri.

August 17 at 11:31am · Like · 8

08/17/2012: Defense Attorney Darryl Goldberg on cross examination

In Session

August 17

Watch this thread for live updates from the Drew Peterson trial!

Attorney Darryl Goldberg begins his cross-examination of Dr. Neri.

In Session

Attorney Darryl Goldberg begins his cross-examination of Dr. Neri:

"When was the last time that you saw Miss Savio?"

"February 6 of 2002."

"You know that she passed in 2004?"

"Yes."

"So it was two years before her death since you last saw her?"

"Yes."

"So you have no idea of her medical condition at the time of her death?"

"Yes."

"She'd want to cut back on her medications?"

"Right."

"So despite your expert medical suggestions, she'd do whatever she wanted to do?"
Objection/Overruled.

"I wouldn't exactly say that . . . she came in and told me that she'd done it, that she was drowsy."

"So when you told this jury she didn't have any side effects, that wasn't true?"

"It was true."

"One of the drugs you gave her was Lorazepam?"

"Right."

"And that was one of the drugs she'd fluctuate of her own free will?"

"Depending on how she was sleeping . . . that's commonly done."

"In Lorazepam, one of the side effects is drowsiness?"

"That's the point."

"And dizziness?"

"If you take it in the daytime, yes."

"And Zoloft . . . if you discontinue Zoloft, one of the side effects is dizziness?"

"It depends on how you do it . . . it can be."

“So, again, you don’t know if Miss Savio was taking two pills of Zoloft before she died, and then went totally to zero?”

“I don’t know that”

August 17 at 11:35am · Like · 5

In Session

The witness repeats that Savio was “careful” when she was taking her medications.”

“She would take caution and care in everything she did?”

“I would think so.”

“But you really can’t say?”

“I can say within a reasonable amount of certainty say that she would be cautious.”

“Well, you know that she fell down the stairs in 1999?” Objection.

The parties approach for a sidebar.

August 17 at 11:38am · Like · 8

In Session

The sidebar ends.

“You know that in October, 1999, Miss Savio fell down the stairs?”

“I’m not sure.”

The witness is then shown a document.

“This is a document you reviewed at the request of the prosecution in this case?” ‘

I don’t recall seeing it.”

The witness is then shown another document.

“That you do recognize, right?”

“Yes.”

"It's a letter you prepared on your letterhead?"

"Right."

"And it addresses different documentation you reviewed, and on here is Sure Care records?"

"OK."

"Do you now believe that you would have reviewed that?"

"Yes."

"Does that ring a bell that you learned that Miss Savio fell down the stairs in October of 1999?"

"Yes."

August 17 at 11:39am · Like · 4

In Session

"You'd agree that if Miss Savio was going through a divorce, she'd be stressed?"

"I would."

"And if she was having a little lover's quarrel with her boyfriend, that might cause her to be stressed?"

"Yes."

"April 5, 1999 was the first time that you saw Miss Peterson?"

"Right."

"She was referred to you by a pain specialist?"

"Yes."

"You noted that she had an arthritic condition?"

"Yes . . . she had numbness in her arms and legs."

"And she had a history of ovarian cysts?"

"Yes."

"She had dizzy spells?"

“Yes.”

“Vertigo?”

“Yes.”

“Trouble swallowing?”

“Yes.”

“She was very unsteady in her gait?”

“That’s what she told me.”

“She was very irritable, slightly depressed in 1999?”

“Yes.”

“And she felt generally weak and numb in all four extremities?”

“Yes.”

“She had a strong family history of diabetes and cholesterol?”

“Yes.”

“And her sleep was described as just horrible?”

“Yes.”

“She felt unsteady, that’s what she told you?”

“Yes.”

“Those can be signs of a neurological or neuro-degenerative disease?”

“That’s right.”

“And you would have no idea what was going on in her life from the time you last saw her in 2002 until her death in 2004?”

“Right.”

August 17 at 11:45am · Like · 5

In Session

“We do evaluations, to rule things out. That includes a neurological examination. Those tests were normal.”

“In 1999?”

“Yes.”

“But I’m talking about 2004 . . . those symptoms can come back?”

“They could . . . anything can happen.”

“She was a 40 year old female . . . there are diseases that could pop up around then?”

“Like what?”

“Well, M.S.”

“That shows up in the late teens and early twenties . . . I did a complete exam on her; she didn’t have Multiple Sclerosis. But generally, that shows up much earlier.”

So you say . . .” Objection/Sustained.

August 17 at 11:47am · Like · 6

In Session

“Would you agree that M.S. affects twice as many females as males?”

“Yes.”

“Let’s talk about Zoloft again for a moment . . . would you agree it can cause sleepiness, or affect your ability to think clearly?”

“In high doses, maybe . . . that’s why you adjust the dosage, depending on the patient.”

“And you’re not supposed to drink alcohol with Zoloft?”

“What are you supposed to take alcohol with it? You’re not supposed to take it with an aspirin. But people do it.”

“You know that females bruise more easily than males?”

“Perhaps . . . I don’t know if it’s really accepted or not . . . I think you might be getting on thin ice.”

“Well, I’m not a doctor.”

"I'm not a bruise expert."

August 17 at 11:50am · Like · 10

In Session

"Most of the side effects that are in all of the [prescription] warning labels, most people don't have those?"

"Right."

"Miss Savio also saw an internist and some other professionals?"

"Yes."

"She told you she took Lipitor, and it caused a lot of side effects?"

"Yes."

"And she was also taking Yasmin, a birth control product?"

"Yes . . . I know there's an increased risk of lawsuits."

"Well, have you heard about the many lawsuits across the country . . ." Objection/Sustained.

August 17 at 11:52am · Like · 6

In Session

The witness is asked about the fact that Savio may have been taking fat blasters, or herbal supplements.

"Those could theoretically interfere with any prescription medication given to Ms. Savio by you or any other doctor?"

"Yes."

"Do you agree that 10 to 20 percent of all patients who take Zolofit suffer nervous system side effects?"

"There are a lot of factors involved." Objection.

The prosecution asks for a sidebar.

August 17 at 11:54am · Like · 5

In Session

The sidebar ends.

“One of the things you learned during your treatment of Miss Savio was she saw another neurologist...and he noted, and you noted, too, that she would occasionally drop objects?”

“Yes . . . people drop things all the time.”

“But she told the doctor that she drops objects . . . that could have something to do with her coordination? She could just be clumsy?”

“Yes.”

“You say she was careful, and was not predisposed to fall?”

“Correct.”

“Predisposition to fall is not a medical condition?”

“Correct.”

“And someone who’s in a bathtub without an anti-slip mechanism could just slip and fall?”

“Could.”

August 17 at 11:58am · Like · 7

In Session

The witness is asked about a drug that has been recalled because of cardio-vascular side effects.

“The FDA specifically required the manufacturers to put a few more warnings on their labels?”

“Yes.” Objection/Overruled.

“There are many cardio-vascular risks to taking Celebrex?”

“Well, there can’t have been too many, or they would have been taken off the market.”

“You also knew that Miss Savio was taking Xanax?”

“Yes.”

“Another anti-anxiety medication?”

“Yes.”

And it can have significant side effects, like drowsiness?”

“If you take too much of it.”

“But it could slow reaction times, like if you were to accidentally fall the ability to catch yourself?”

“Potentially.”

The witness confirms that Savio suffered from irritable bowel syndrome, due to her increased adrenaline.

“That adrenaline affects every organ of your body, and could have devastating effects?”

“In a worse case scenario, yes.”

That concludes the cross-examination of Dr. Neri, and the parties go to a sidebar.

August 17 at 12:03pm · Like · 4

08/17/2012: Prosecutor John Conner on redirect examination

In Session

Prosecutor Connor begins his redirect.

The witness insists that Savio did not have M.S., and that there’s no connection between that disease and her condition.

“During the time that you were prescribing drugs for Kathleen Savio, did you note any inability of her being able to tolerate those drugs?”

“She just got better every time.”

August 17 at 12:05pm · Like · 5

In Session

The witness identifies a rehab record from 11/09/01. It notes that for Savio “all actions guarded, and the patient avoids fast movements.”

“So in November of 2001, she was progressing well under your treatment?”

“Yes . . . she was being cautious in her movements. That’s what I was saying about cervical vertigo; the patients are very cautious.”

The witness notes that he’s been practicing for 32 years. “Adavan [Lorazepam] is my go-to drug for sleep; Zoloft is my go-to drug for serotonin saving. They’re very safe. And I have never had a problem . . .”

The defense objects, and the parties go to a sidebar.

August 17 at 12:08pm · Like · 7

In Session

The sidebar ends.

The witness says he’s never had an experience with a patient having a problem with either drug.

“By the time she left, she was doing much better . . . still cautious, but considerably better. The personality of this individual is going to be the same from when I saw her until the end of her life; people do not change their personality. Therefore, my feeling is she would not have changed suddenly after leaving me and become a different patient; people are true to themselves.”

“The dosages you prescribed for Kathleen Savio, were they low, medium, or high?”

“The Lorazepam, that was never more than two tables at bedtime. That’s on the low end. Zoloft . . . it’s a mid-range dose.”

That concludes the redirect examination.

August 17 at 12:13pm · Like · 8

08/17/2012: Defense Attorney Darryl Goldberg on recross examination

In Session

Defense Attorney Greenberg begins his recross.

August 17 at 12:15pm · Like · 3

In Session

“The last time you saw her, you actually increased her Zoloft dosage to 100 mgs?”

“Yes.”

“You have no idea about Miss Savio’s condition unless she tells you?”

“Right.”

“You said your personality doesn’t change?”

“Right.”

“But depending on who you talk to, your personality may be different?” Objection/Overruled.

“Not if they want to be treated.”

“So they may not present their true personality?”

“I suppose . . . we’re pretty used to sorting that out . . . personality doesn’t change. If they want something, they may attempt to get it . . . your normal personality is what you return to when your chemicals are balanced again.”

August 17 at 12:15pm · Like · 7

In Session

“You learned during your course of Miss Savio’s treatment that she had a history of irregular heartbeat?”

“She had a murmur that was not significant . . . she had palpitations.”

“Would you agree she told a doctor that she had a history of an irregular heartbeat?:”

“Yes, I would.”

“One of the historical tests that have been done to diagnose muscular sclerosis is to put the patient in a hot bath?”

“That’s how we used to do it.”

“And you hear of a much higher percentage of people with multiple sclerosis drowning in a bathtub?”

“Not like that.”

“Whether someone had multiple sclerosis or not, when you take a hot bath, you vassal dilate?” Objection/Sustained.

“That bath test has never been discredited, has it?”

“No.”

That concludes the recross, and the witness is excused.

August 17 at 12:18pm · Like · 9

08/17/2012: Defense addresses issue of Scott Rossetto testifying

In Session

The jurors have been excused from the courtroom.

Judge: “There’s some issue with the next witness?”

The attorneys approach for a sidebar.

August 17 at 12:20pm · Like · 5

In Session

The sidebar ends. Brodsky addresses the judge, complains that the people in the gallery have occasionally given a response to testimony, such as a gasp or laughter.

Judge: “There are some occasions that take place during a trial where something is said that’s humorous . . . but yesterday, there was an audible gasp from the audience in front of the jury, in response to a question from Mr. Meczyk that they obviously disapproved of. The same thing happened to a lesser extent today . . . in the future, if there should be any such reactions, the Court will have to take what it believes is appropriate action to make sure the jury is free of that sort of influence. If that involves removing individuals from the courtroom, that’s a sanction that I’ll take into consideration . . . I’ll be forced to take some remedies that everybody may not be happy with.”

August 17 at 12:22pm · Like · 7

In Session

Attorney Greenberg now addresses the upcoming testimony of prosecution witness Scott Rossetto.

“I think Judge White found the events [Rossetto relates] to be unreliable . . . we’ve got different statements being attributed to Stacy, and different places the statement allegedly took place at, at different times . . . I think the unreliability finding has to be given more respect, more weight than some of the other statements . . . this is so unreliable that I don’t think it can pass the due process analysis.”

August 17 at 12:29pm · Like · 5

In Session

Prosecutor Glasgow responds: “[Pastor] Neil Schori does not know this individual, nor does Mr. Rossetto know Mr. Schori . . . [but] [Rossetto’s statement] is almost identical to the statement that one day later Mr. Schori comes forward with.”

August 17 at 12:34pm · Like · 17

In Session

Judge: “Well, as I said previously in regards to the argument of a due process claim, it doesn’t appear from a legal perspective to me to be unreliable on its face . . . so the motion to prevent the witness [Scott Rossetto] from testifying is denied.”

August 17 at 12:39pm · Like · 28

In Session

The judge says that Rossetto will be able to testify Stacy Peterson told him that Drew Peterson told her to lie.

Judge Burmila: “I excluded the alibi itself. But I said they could have admitted before the jury that he asked her to lie.”

Brodsky argues against this testimony, claiming that it’s a violation of marital privilege.

Prosecutor Colleen Griffin responds, says that the State’s recollection of the judge’s previous rulings are very different from those of the defense.

Judge: “My recollection mirrors that of Ms. Griffin’s . . . the statement is admissible.”

August 17 at 12:53pm · Like · 24

In Session

It’s too late to start Rossetto’s testimony at this time.

So the judge decides to call the lunch recess at this time.

But before he leaves the bench, he calls the attorneys to a sidebar.

August 17 at 12:54pm · Like · 12

In Session

The sidebar ends, and Judge Burmila leaves the bench.

The trial is in recess until 1:15 CT/2:15 ET.

August 17 at 12:56pm · Like · 9
