

**Pontifical University of the Holy Cross
School of Canon Law**

PROGRAM OF ONGOING FORMATION
FOR THOSE WHO WORK IN ECCLESIASTICAL TRIBUNALS

**8th Renewal Course of
Marriage Law and
Canonical Procedure**

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>> for exclusive use of course participants <<

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8th Renewal Course of Marriage Law and Canonical Procedure

Practical Case on “Dolus: The Relationship Between Circumstances and Quality”

Msgr. Davide Salvatori

n.m.: MAZZINI – GARIBALDI

To the Regional Ecclesiastical Tribunal of Calabria

I, Carmela Mazzini, born in Cosenza on XXXXX 1967, and residing at via XXXXX, RXXXXX, Italy,, reverently ask that this Venerable Tribunal declare the nullity of the marriage that I contracted on February 3, 1991, at the parish church of Rxxxxx, of the diocese and province of Cosenza, with Antonio Garibaldi, born in PXXXXX on XXXXX 1967, and presently residing at XXXXX, Cosenza, Italy.

Antonio enlisted in the army at a very young age (16) and, leaving his own family, separated himself from those who would have been able to help him develop a mature personality, capable of adhering to good values.

At age 14 he had his first relationship with a girl, which marked the beginning of what would become a continual search for sexual pleasure.

Prior to marrying me, Antonio had cohabited for two years with a woman 4-5 years his senior.

Antonio is very affectionate and polite; that’s why I was convinced that I would be able to have a good marriage with him.

Our courtship lasted a year and a half, and it was harmonious.

We loved each other and were in love with one another, to the point that we desired to be together. Antonio proposed that we live together without marrying, as he had done previously. He would say that cohabitation, without any civil or religious bonds, was necessary in order to get to know one another. I never accepted such statements and so Antonio, in order to make me happy and to live with me, accepted to marry in the Church.

I thought that, accepting to marry, he would change his mind and embrace the values that I believed in. Unfortunately, I must recognize that I was deceived. Six or seven months after the wedding, Antonio began to cheat on me, seeing another woman.

I learned from him that he had also been unfaithful to me during our courtship. Just 20 days before the wedding he had a relationship with a girl. He told me that he had always hidden this behavior for fear of losing me, because, as he said, he had feelings for me, whereas he was only attracted to the others for sex.

I felt deceived and immediately realized that I couldn’t remain united to a man who had kept these relationships hidden from me and who had had them in such close proximity to the wedding. Nonetheless, we remained together for around one year to see whether things might change; I felt hurt inside and disappointed with the man I had married, who didn’t deserve my trust. This resulted in the mortification of our life as a couple from the very beginning. As for sexual harmony, things got progressively worse until we completely ceased intimate relations. No children were born from our marriage, and in November of 1992 we separated *de facto*.

In light of all the above, I now humbly ask the Church to declare the nullity of my marriage *owing to the exclusion of the indissolubility of the bond on the part of the woman, and for fraud imposed on the woman.*

Reggio Calabria, June 24, 1996

(Carmela Mazzini)

Decree Constituting the Tribunal, Admitting the Libellus, and Citing the Respondent (7/11/1996): *in actis*

Decree Formulating the Doubt (10/9/1996): *in actis*.

The doubt is formulated as follows: *whether the nullity of the marriage is proven on the ground of error fraudulently imposed on the woman-Petitioner.*

Decree Assigning a Stable Procurator-Advocate to the Petitioner (10/9/1996): *in actis*

Null. Matr.: MAZZINI - GARIBALDI

Session 1

Deposition of CARMELA MAZZINI
Petitioner

Today, March 10, 1997, at the seat of the Regional Ecclesiastical Tribunal of Calabria in Cosenza, in the presence of the Very Rev. Mgrs. Pasquale Donizzetti, Instructing Judge, with the Defender of the Bond absent though having been cited, and in the presence of the undersigned Notary, the Petitioner, Carmela Mazzini, legitimately cited, is introduced.

1.- GENERALITIES – VERIFICATION OF IDENTITY- OATH.

Carmela Mazzini, born in CXXXXX on XXXXX 1967, residing in RXXXXX at via XXXXX Parish: RXXXXX. Profession: Laborer.

Presented for the verification of her identity: ID n.

Issued by the Municipality of RXXXXX on XXXXX 1992.

Having duly taken the oath, she responds as follows:

2.- Please tell us about your family of origin (composition, socioeconomic status, family relationships); your upbringing (particularly, your Christian formation and religious practice); your education, and your entrance into the workforce.

Prior to meeting Antonio Garibaldi, had you had other romantic relationships?

My parents live in Roccasecca (the dad is named Lamberto and the mom Maria Dall'Acqua), and I live with them.

I have one younger brother who is married, and he also lives with our parents.

The dad was a "farmer", though he has been unable to work for years and receives disability.

Financially, my family is of decent means.

I have always felt comfortable around the members of my family.

In my family I received a Christian upbringing, but after Confirmation I ceased religious practice despite maintaining my Christian beliefs.

After separating from my husband, I began to attend church once again, and my religious beliefs have been strengthened.

After middle school, I attended a professional school for a few years but without obtaining any diploma.

When I was 17, I was hired as a "worker" at a silverware company.

After 7 years, with the consent of my husband, I quit my job. Since then, I have been a housewife.

As of last September, I work as an "aide" at the "Villa Maria" Institute in Vigardolo.

Before I met Antonio, I was in a relationship with a young man for a few years.

I ended that relationship because that boy had problems with the law (and had also been in prison).

My temperament is sociable and rather impulsive.
I have always been in good health.

3.- Please tell us about your husband: family of origin (composition, socioeconomic status, family relationships); his upbringing (particularly, Christian formation and religious practice); his education, and his entrance into the workforce.

To your knowledge, prior to meeting you, had Antonio had other romantic relationships?
In your opinion, is he sincere and worthy of trust?

Antonio's family lives in Pragatto. The father worked in aeronautics and is retired.

Antonio has an older brother who is married.

I don't believe that Antonio received a strongly Christian upbringing. However, he did receive the sacraments of confession, communion, and confirmation.

When I met him, he did not attend church at all.

Antonio told me that he had had problems in his relationship with his father, a violent man who mistreated his wife.

After middle school, he applied to be in the Air Force and definitively left the family home. He was hired in the aeronautics field as an "office worker" and continues to maintain the same employment.

Antonio is very polite; he knows how to control his speech and behavior, and tends to be markedly affectionate.

Prior to meeting me, he had had other romantic relationships.

He told me that he lived with an older woman, whom he saw as something of a mother-figure.

I don't remember how or why that cohabitation ended.

Antonio was not honest with me.

As I will discuss later, he hid his unbecoming behaviors from me. He should have told me about them before the wedding, not after.

Nonetheless, I am sure that, in this context, he will be sincere about the circumstances of our relationship.

4.- How and when did you meet?

How did your relationship develop? Did you love each other? Were there signs of affection?

Did you have intimate relations?

Were there any particular difficulties between you?

When did you begin to speak about marriage?

What did your families think about your relationship?

When and why did you decide to marry? Whose initiative was this?

Did you consider the possibility of cohabiting, or of marrying only civilly?

It seems to me that I met Antonio by chance in Cosenza in the summer of 1989. He had been working at the Cosenza Airport for years, and he lived with his comrades in the personnel housing at the airport. Following that, we ran into each other several times in different locales, like dance clubs, with friends.

Our properly romantic relationship began in the first months of 1990.

Little by little, as we began to meet up more and more, our mutual feelings of love developed.

We passed, by mutual agreement, from superficial signs of affection (kisses and hugs), to intimate relations.

In order to avoid conception, Antonio would interrupt relations.

I have never taken birth control, whether prior to or after the marriage.

I would like to point out that, due to my uneasy conscience and the moral formation with which I had been raised, sometime around mid-1990 I asked Antonio not to initiate sexual relations until we were married.

He accepted this request, though begrudgingly, and so we faithfully observed that resolution.

At the beginning, Antonio had proposed that we simply cohabit.

I don't remember whether he explained the reasons why he did not want to marry on that occasion.

I suppose that he desired to simply cohabit in order to more easily end our relationship in case we didn't get along.

I decidedly opposed this proposal.

Having realized that I was firm in my refusal, Antonio began to come around to the idea of marriage.

The definitive decision to marry was made a few months prior to the wedding.

There were no problems regarding our future accommodations because my parents had assured us that we could live in their home, which had many rooms.

Neither my parents nor Antonio's parents created any obstacles to our relationship.

5.- How did the immediate preparations for marriage unfold?

Did you participate in any marriage preparation courses? What were your and your fiancé's reactions?

Were there any noteworthy events from this period?

We participated in a marriage preparation course at the beginning of 1990, in the parish of Cedrecchia.

The period immediately preceding the wedding was serene, apart from Antonio's indignation at not being able to have sexual relations.

The communication between us was good, and we never fought.

6. – Did you share a mutual understanding of the obligations that marriage entails?

What were your and your fiancé's ideas about marriage, both as a natural institution (permanent communion of life, characterized by fidelity, indissolubility, and openness to children), and as a sacramental reality?

Were you sincere in your responses to the pre-nuptial investigation?

Was your fiancé sincere?

I knew well the obligations of Christian marriage and I accepted them all without reserve.

Antonio, too, knew that marriage entailed the obligations of fidelity, indissolubility, and an openness to children.

By his words, he was in agreement with me in the unconditional acceptance of those obligations.

I remember that I went to meet with my Pastor at Roccasecca for the pre-nuptial investigation.

I answered the questions sincerely, and I believe that Antonio would have been equally sincere in his own responses.

7. – In approaching marriage, did you intend to establish a marriage that would last forever?

Did your fiancé ever speak with you about what he would have done in the event that your union proved unhappy?

Did he ever speak about this with others?

I'm not sure whether, leading up to the marriage, Antonio truly would have made any reservations against the obligation of indissolubility.

I don't remember whether he would have told me sometime that in the event we didn't get along he would have taken recourse to divorce to regain his freedom.

On the other hand, there was no reason for him to say anything of the sort because our relationship was totally harmonious.

I am unaware of whether he expressed anything against the obligation of indissolubility to any other person.

8.- Please describe how well you knew one another prior to marriage.

At the time of the wedding, what convictions did you hold about your fiancé's personality? Did you ever have doubts regarding his fidelity? Did you ever ask your fiancé for assurances in this respect? How would Antonio respond? Did he attempt to hide the truth from you? How?

Were you ever warned by others about his behaviors or habits?

Would it have been possible for you to have had more detailed information?

I believed that I had gotten to know my fiancé in a fairly deep way. We both would express ourselves with the utmost trust.

We would willingly speak about our future, about the children that we would have, and about the life that we would lead together.

I never doubted Antonio's faithfulness and, frankly, he didn't give me any reason to.

Nor did others ever warn me about any infidelities on Antonio's part, whether real or suspected.

Just about 20 days after the wedding, Antonio told me that about 15 days prior to the wedding, in a moment of weakness, he had given himself sexually to another girl, whose name he also disclosed.

He added that he made sure not to reveal this occasion of sexual release to me at that time, out of fear that I would leave him.

As a matter of fact, it's true that if he had told me about this failing I would have left him.

As far as I know, aside from the episode that I just mentioned, there were no other infidelities during our courtship on Antonio's part.

TO THE QUESTION, I answer that I never explicitly told Antonio that I would leave him if I ever learned that he had been unfaithful to me. I did, however, lead him to understand this through my behavior, and above all through my immense esteem for the value of fidelity.

I also knew Antonio's coworkers, but none of them ever let on that there was anything negative about Antonio's moral behavior.

9.- How was the wedding celebration? Was the honeymoon serene? Was the marriage consummated?

We married in a normal ceremony at my parish in Roccasecca.

Around 100 people, between relatives and friends, were present at the ceremony and reception.

After about a week spent in the mountains, we went to Pragatto to spend time with Antonio's parents.

It was while we were staying in Pragatto that Antonio, to unburden his conscience, as he said, told me about his prenuptial infidelity.

I was very upset, to the extent that I no longer wanted to go on the trip we had planned to Thailand and had instead decided to return to my parents' house alone.

Giving in to my mother-in-law's insistence (who, by the way, was already aware of her son's fling), I accepted to go on the trip to Thailand.

My mother-in-law was convinced that my resolution to leave Antonio was only a temporary reaction. Even I held out hope that everything would work itself out.

Our trip to Thailand was very sad.

I passively adapted to sexual relations with Antonio, always using protection in order to avoid conception. We were certainly not in the right psychological conditions to have a child.

10.- How did your common life unfold?

When did you discover that your husband was different from how you had known him to be prior to the wedding? With regard to which particular qualities did you feel deceived? What was your reaction?

Once we got back from the honeymoon, we moved in to my parents' house, as planned.

For a few months I made every attempt to overcome the unease that I felt towards Antonio, but to no avail.

The more time went by, the more my disgust for him grew.

I passively complied with the sexual act without any feeling on my part, and Antonio picked up on that.

He had promised me that he would never again fail to uphold the obligation of fidelity.

Then after a few months, maybe also because he was disappointed and tired of my frigidity, he again met up with some other girls; he was the one to tell me this.

At a certain point I felt like I needed to tell my mother how things were going.

She exhorted me to make every effort at overcoming my interior resistance so that I could continue to live with Antonio.

I did everything in my power to put her advice into practice, but I was unable to overcome my mental block.

11.- Why did your union enter into crisis?

Did you make any attempts to overcome your difficulties, or seek out any help from others?

How did you decide to separate? On whose initiative? Did you legally separate?

12.- What is your current status? What are your plans for the future?

Can you tell us anything about the current status of your husband?

With the passage of time, the situation deteriorated even more.

Unfortunately, having lost all trust, I also completely let myself go. Whether this was out of spite for Antonio or for myself (I wouldn't know), the fact is that I was also unfaithful several times with other men, unbeknownst to my husband.

The straw that broke the camel's back was when I learned that Antonio had brought a woman to his workplace, seriously contravening Airport regulations, making him liable to disciplinary sanctions from his superiors.

This event brought our common life to an end.

Antonio left the marital home on November 1, 1992.

We didn't make any attempts to reconcile.

By mutual agreement we filed for a civil separation, which was granted in June of 1993.

Antonio still works at the Cosenza Airport. He is cohabiting with another girl, but I'm not sure whether he plans to marry her.

As I stated previously, I live with my parents. I am not involved in a romantic relationship with another man.

The sexual relations that I had with other men during the marriage were only a brief episode.

As I have said from the beginning, I have once again taken up my religious practice in a serious way, and I am seeking to regain peace of conscience.

If possible, I intend to start a new family that is founded on Christian values.

13.- Do you confirm your *libellus*? Do you have other witnesses to propose?

I initiated the present cause on the advice of priests.

Antonio is in agreement with the grounds and has assured me that he will cooperate.

I confirm that which I declared in the *libellus*.

Of the witnesses I named, I must unfortunately renounce Mrs. Daniela Ghini; she will be unable to testify because she is late into her pregnancy and is also very emotional.

One of the priests who is aware of my circumstances is the current pastor of Roccasecca, Fr. Giovanni Marchi.

14.- Is there anything else that you would like to add, remove, or modify?

Having concluded the examination, the deposition was read to the deponent, who was given the faculty of making additions or modifications.

The deponent confirmed and signed her deposition.

CARMELA MAZZINI
FR. PASQUALE DONIZZETTI, Instructing Judge
BRUNO TEDESCHI, Notary

REGIONAL ECCLESIASTICAL TRIBUNAL OF CALABRIA

Calabra: COSENTIN.

Null. Matr.: MAZZINI – GARIBALDI

QUESTIONS FOR THE WITNESSES

1. Generalities. Verification of identity. Oath. Have you been given any instructions or suggestions concerning this deposition?
2. How and when did you meet Carmela Mazzini? What is your current relationship to her? What can you tell us about her family of origin, personality, upbringing, and moral and religious conduct? In your opinion, is she an honest person?
3. How and when did you meet Antonio Garibaldi? What is your current relationship to him? What can you tell us about his family of origin, personality, upbringing, and moral and religious conduct? In your opinion, is he an honest person?
4. Do you know how Carmela and Antonio met? Were there any difficulties in their relationship? Did they love each other? Did they know each other well? How did they arrive at the decision to marry?
5. At the time of the wedding, what were Carmela's convictions about her fiancé's personality? Did she ever have doubts about his fidelity? Did she ever ask her fiancé for assurance in this regard? How did Antonio respond? Did he attempt to hide the truth? How? Was Carmela ever warned by others about Antonio's conduct or habits? Would it have been possible for her to have more specific information?
6. How was the wedding? Was the honeymoon serene?
7. Did the couple ever speak with you about their understanding of marriage? In particular, did Antonio accept the indissolubility of marriage? Did he ever talk with you about what he would do if his marriage to Carmela proved to be unhappy?
8. How did the common life unfold? When did Carmela realize that her husband was different from how she had known him to be prior to the wedding? With regard to which qualities did she feel deceived? What was her reaction?
9. For what reasons did the common life immediately become difficult? Do you remember any specific examples? How did they decide to separate? Were there any attempts at reconciliation?
10. What is the current status of both, and what are their plans for the future?
11. Is there anything that you would like to add, remove, or modify?

Cosenza, March 7, 1997

Fr. Gianmaria Russo
(Defender of the Bond)

Session 2

Deposition of Fr. Giovanni Marchi
Witness cited *ex officio*

Today, March 12, 1997, at the seat of the Regional Ecclesiastical Tribunal of Calabria in Cosenza, in the presence of the Very Rev. Pasquale Donizzetti, Instructing Judge, with the Defender of the Bond absent though having been cited, and in the presence of the undersigned Notary, the Rev. Giovanni Marchi, witness, having been legitimately cited *ex officio*, was introduced.

1.- GENERALITIES – VERIFICATION OF IDENTITY - OATH.

Rev. Giovanni Marchi, born in XXXXXX on XXXXXX, 1947.

Pastor of ROCCASECCA, known to the Tribunal.

Having duly taken the oath, he responds as follows:

I will begin by saying that I have been the Pastor of Roccasecca since September of 1991.

At that time, Carmela Mazzini and Antonio Garibaldi were already married and their marriage was in crisis.

2.- Carmela certainly comes from a family that was founded on Christian values, and she received a solid religious formation. However, when I arrived to Roccasecca, Carmela had abandoned her religious practice consequent to her marital crisis; she developed a fervent religious practice after separating from her husband.

I can guarantee that she would be fully credible and trustworthy with regards to her own account of the circumstances of the marriage.

For some time now she has been employed as an "aide" at an Institute that cares for the disabled.

Carmela has briefed me about her experiences with Antonio.

3.- I was in contact with Antonio at the time of their marital crisis.

According to what he told me, he left his family at age 16 to enter the Air Force.

He also confirmed to me that for a few years he lived with a woman who was older than he was. I am unclear as to whether that woman was his friend or rather something of a mother-substitute.

I seemed to understand that his problems having to do with sexuality were acute and unresolved.

It should be kept in mind that Antonio did not receive a solid moral formation and that he abandoned his religious practice at an early age. He never spoke with me about frequent relationships with women, but he did explicitly admit to me (other than the relationship of which I just spoke) that he was unfaithful to Carmela, his fiancée, about 20 days before the wedding.

My impression is that Antonio is a straightforward young man who has no qualms about recounting these circumstances.

4.- Both of them told me that they were mutually and deeply in love.

Carmela, in particular, was attracted by Antonio's politeness and affectionate mannerisms. She told me that, in the months immediately preceding the wedding, she made the decision to avoid intimate relations.

When Antonio admitted to me that he was unfaithful about 20 days before the wedding, he did not explain to me why he committed infidelity or why he told Carmela only after the wedding.

TO THE QUESTION, I respond that Carmela never confided in me that if she had learned of Antonio's infidelity prior to the wedding that she would have left him. However, I can

confirm that she did hold the value of fidelity in great esteem and that she was far from imagining that Antonio had failed in that respect.

The fact that Antonio did not speak of this before the wedding, in my opinion, leads to the reasonable conclusion that he was sure that Carmela would have left him if she learned of his infidelity.

5.- I am sure that Carmela approached the altar accepting the obligations of Christian marriage without reserve.

I cannot, however, say the same about Antonio. This is not because he ever alluded to me that he had any reservations regarding the obligations of fidelity and indissolubility, but simply because of his evident superficiality and immaturity at the time of the wedding.

TO THE QUESTION, I respond that neither of them ever mentioned to me that Antonio would have proposed the possibility of simply cohabiting.

6.- According to what I have been told, the wedding was normal.

7.- I have already answered this.

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They both confirmed to me that the marriage entered into crisis immediately, following Antonio's confession to Carmela one week after the wedding that he had been unfaithful.

As soon as Carmela learned of this, she wanted to leave Antonio and return to her parents' house.

Once her initial bewilderment was overcome, she decided to continue with the common life in the hope of overcoming the mental block that she had developed towards Antonio.

Despite her efforts, she was unable to overcome it.

She passively complied with the sexual act, without any feeling on her part.

With the passage of time, the situation deteriorated because both parties became unfaithful.

TO THE QUESTION, I respond that Carmela informed her parents of the situation once it had become definitively compromised.

It is true that the episode that marked the end of the common life was the grave infidelity committed by Antonio when he brought a woman to his quarters at the Cosenza Airport.

They separated by mutual agreement and initiated civil separation proceedings.

My impression is that Antonio never considered his conjugal infidelities to be grave failings.

10.- I am not sure of Antonio's current situation or what plans he has for the future.

I can only say that he was not opposed to the introduction of this cause.

Carmela currently lives with her parents. She is not involved in a relationship with another man, but does not exclude the possibility of starting a new family if this cause is successful.

I would like to point out that Carmela did initiate canonical proceedings for a declaration of nullity immediately following her separation from Antonio.

She then interrupted the proceedings because she was assailed by concerns of doing something illicit, since she had married in the Church.

She subsequently took up the cause again when she was encouraged to do so by trustworthy persons.

I myself, after hearing her version of events, advised her to persevere with her petition for nullity.

11.- Having concluded the examination and having read the deposition out loud, the deponent was given the faculty of making additions or modifications.

The deponent confirmed and signed his deposition.

Fr. GIOVANNI MARCHI

Fr. PASQUALE DONIZZETTI, Instructing Judge

BRUNO TEDESCHI, Notary

Session 3

Deposition of CONCETTA MAZZINI Petitioner's Witness

Today, March 12, 1997, at the seat of the Regional Ecclesiastical Tribunal of Calabria in Cosenza, in the presence of the Very Rev. Pasquale Donizzetti, Instructing Judge, with the Defender of the Bond absent though having been cited, and in the presence of the undersigned Notary, Concetta Mazzini, witness of the Petitioner, having been legitimately cited, was introduced.

1.- GENERALITIES – VERIFICATION OF IDENTITY - OATH.

Concetta Mazzini, unmarried, born in CXXXXXX on XXXXXX 1968, and having domicile in RXXXXX at via XXXXXX.

Parish: RXXXXXX. Profession: Laborer.

Presents for verification: ID n.,

Issued by the Municipality of RXXXXXX on XXXXX 1994.

Having duly taken the oath, she responds as follows:

I have not received any instructions on the responses that I am to give in this deposition. Carmela is the principal source of my knowledge regarding her marriage to Antonio.

2.- Carmela Mazzini and I are first cousins.

We essentially lived together, and we both spoke with one another about the details of our lives.

Carmela never definitively abandoned her religious practice, but it is true that she did go through a period of lukewarmness.

For some time now, she has began to attend church again, consistently and with conviction. Regarding morality, she has always behaved correctly, with the exception of the last period of the common life when both she and Antonio failed to uphold the obligation of fidelity.

With regard to her temperament, I would consider Carmela to be fairly reserved. Sometimes she can be snippy.

I am sure that she recounts things honestly.

3.- I met Antonio Garibaldi when he began going out with Carmela.

He made a very good first impression on me thanks to his polite manners and his openness. I am not sure about the upbringing he received at home. At that time, it did not appear to me that he had a regular religious practice.

I never heard it said that his moral conduct was untrustworthy.

I believe that he would also be truthful in his recounting of facts.

4.- From how they both behaved externally, they appeared to be deeply in love. Carmela never expressed doubts about Antonio's faithfulness. I had always thought that Antonio considered Carmela to be his only girlfriend, and that he was faithful to her.

Nor did his friends, who knew him well, ever express any doubts about Antonio's faithfulness.

My cousin held the value of fidelity in high esteem.

Nonetheless, I never heard her say that if she ever learned that Antonio had been unfaithful that she would leave him. She probably never stated that in such explicit terms because she had no reason to doubt her fiancé's faithfulness.

Their relationship was serene, and communication was honest.

They decided to marry by mutual agreement.

5.- Once again, Carmela never had any reason to doubt Antonio's faithfulness.

6.- The wedding celebration was normal, and everyone was happy.

7.- Carmela definitely understood the obligations of Christian marriage and accepted all of them without reserve.

Antonio also understood them, if for no other reason than that he had participated in a marriage preparation course at Cedrecchia.

I never heard it said that Antonio proposed that they only live together, or that he ever said that if their marriage proved unhappy that he would seek to regain his freedom.

He intended to have children, in agreement with Carmela.

I am convinced that Antonio did assume the obligation of fidelity and that it was out of weakness that he failed to uphold that obligation.

8.- The marital crisis began immediately and it was caused by the revelation that Antonio had been unfaithful about two weeks before the wedding.

It remains a mystery to me why he could have betrayed Carmela just a few weeks before the wedding, because he was in love with her.

Equally mysterious to me is why he decided to tell Carmela about his infidelity the day after the wedding.

Antonio has never explained why he behaved in this way, either to me or to Carmela.

He probably became unfaithful in a moment of weakness and then no longer felt that he could keep that incident hidden from the woman he loved and whom he had just married.

Carmela was literally shocked. She never thought it would have been possible for Antonio to do such a thing.

From that moment on, she began to feel a sense of repulsion toward her husband that she could not overcome.

I soon realized that Carmela was not the same as she was before.

After about one month of marriage, she vented to me about what had happened and told me that she was very uncertain about whether or not to continue living with Antonio.

I exhorted her to make the effort not to break up the marriage and to hope that the situation would improve in the future.

In the beginning, it seemed like Antonio was making every effort to be kind and caring to Carmela.

Unfortunately, Carmela was not able to overcome her repulsion towards him.

9.- The situation deteriorated even further in the final years of common life due to their reciprocal infidelities.

The end of the marriage was brought about by the relationship that Antonio publicly established with another woman at his workplace.

He even received sanctions from his superiors for this conduct.

Carmela showed him the door.

He left the marital home at the beginning of November, 1992.

The *de facto* separation was followed up by a civil separation.

They have seen each other on a few occasions just as friends, but they have never made serious attempts to re-establish a common life.

10.- Based on what Carmela told me, Antonio is still working at the Cosenza Airport and he is living with another girl.

Since the separation, Carmela has gone through very difficult moments and has also suffered from health problems.

It seems that she has now gotten back some peace and tranquility; her return to a fervent faith-life has been a determining factor in that change.

Carmela lives with her parents and younger brother.

I believe that she is not involved in any romantic relationships, though I don't believe she has excluded the possibility of eventually starting a new family.

11. – Having concluded the examination and read the deposition out loud, the deponent was given the faculty of making additions or modifications.

The deponent confirmed and signed her deposition.

CONCETTA MAZZINI

FR. PASQUALE DONIZZETTI, Instructing Judge

BRUNO TEDESCHI, Notary

Session 4

Deposition of MARIA DALL'ACQUA IN MAZZINI

Witness cited *ex officio*

Today, March 12, 1997, at the seat of the Regional Ecclesiastical Tribunal of Calabria in Cosenza, in the presence of the Very Rev. Pasquale Donizzetti, Instructing Judge, with the Defender of the Bond absent though having been cited, and in the presence of the undersigned Notary, Maria dall'Acqua in Mazzini, witness, having been legitimately cited *ex officio*, was introduced.

1.- GENERALITIES – VERIFICATION OF IDENTITY - OATH.

Maria Dall'Acqua Maria in Mazzini, born in PXXXXX on XXXXXX, 1932, and having domicile in PXXXXXX at Via XXXXXX.

Parish: RXXXXXX. Profession: Retired.

Presented for verification: ID n. ,

Issued by the Municipality of PXXXXXX on XXXXX 1992.

Having duly taken the oath, she responds as follows:

I have not been instructed on the responses to give in my deposition.

2.- Carmela Mazzini is the elder of my two children.

She was always well-behaved at home and never gave us any cause for concern.

During the marital crisis she appeared irritable and stressed. At that time, she also ceased her religious practice, despite maintaining the firm Christian principles with which she was raised.

She currently attends church assiduously and is part of the prayer groups of the "Renewal in the Spirit."

Her conduct is morally upright.

I am sure that she would be honest in her statement of facts.

3.- I met Antonio Garibaldi when he began going out with my daughter.

Antonio made a good impression on us parents. He was always polite and respectful.

I do not believe that Antonio attended church.

I know that he left his family at a young age; I am not sure whether he received a sound moral and religious formation.

I never heard anything about any loose conduct with girls on his part.

I have no reason to doubt Antonio's honesty.

4.- Carmela and Antonio met by chance.

After they first met, Antonio, who was employed at the Cosenza Airport, began coming by our home.

As I said, he made a good impression, and so we were never opposed to his relationship with our daughter.

Judging from the outside, they were both sincerely and deeply in love.

They never had disagreements or fights.

Again, I never heard anything to suggest that Antonio behaved in a morally improper way. They decided to marry by mutual agreement, and we very willingly opened our home to them.

5.- Before they married, they attended a marriage preparation course at Cedrecchia.

My daughter definitely understood the obligations of Christian marriage and I am sure that she accepted them without reserve.

I never heard that Antonio proposed that he and my daughter simply live together.

He never said anything that led me to doubt whether he had proper intentions regarding the obligations of Christian marriage.

Nor did my daughter ever manifest any doubts regarding the seriousness of Antonio's intentions.

6.- The wedding ceremony was normal.

They both certainly intended to bring children into their union.

7 - 8

I noticed from the beginning of their common life that they no longer treated each other as cordially as they had done prior to the wedding.

The typically affectionate way that they had treated one another previously was replaced by a noticeable rigidity.

Truthfully, Antonio tried to be affectionate but Carmela would push him away, almost like she was annoyed.

Not wanting to pry, I never considered it opportune to ask my daughter questions about how their married life was going.

After 6 months (exactly in August of 1991), they both called me and finally opened up.

That's how I learned about the crisis that had begun during the honeymoon.

Reason: Antonio had revealed to Carmela that around 20 days before the wedding he had been unfaithful.

I can't understand why he decided to tell Carmela about this episode which, reprehensible as it was, was already in the past.

My daughter told me that once she learned of this she was deeply shocked and had decided to abandon her husband to come home to us parents.

She was prevented from doing so out of fear of damaging her father's health, as he suffered from a heart problem, and because she hoped to overcome her initial distress.

Unfortunately, despite all of her efforts, she was unable to overcome the sense of repulsion that she had developed towards her husband.

I was very upset about this revelation. However, I advised Carmela not to throw away her marriage but to make the effort and continue with the common life, upholding her obligations as a wife.

I also reminded Antonio that we parents had welcomed him as a son and that he had betrayed our trust.

To this he responded, "I recognize that I have been welcomed by you. What can I say, ma'am; I am a redneck and I take after my father!"

I hoped that, in time, their relationship would return to its previous harmony, but I was disappointed.

9.- The following episode marked the end of the marriage. In an act of total indiscretion, Antonio had the gall to publicly bring another woman back to his personnel lodging at the Airport.

I know that his superiors brought him to trial for this serious misconduct.

From that moment on, Carmela no longer wanted to know anything about him. I, too, sided with her at that point.

There were no attempts to reconcile.

10.- I have not seen Antonio since he separated from Carmela.

I am not aware of his current situation or what plans he has for his future.

Sometimes he will call to ask about my husband's health and he is always polite.

Carmela lives with us.

Following the failure of the marriage, she has suffered a lot. She has lost a fearful amount of weight and has fallen into depressive crises.

Now, she seems to be getting more or less on her feet, and seems to have regained tranquility enough.

She hopes to obtain the declaration of the nullity of her marriage.

She does not exclude the possibility of starting a new family, but at the moment she is not in a relationship with anyone.

11.- Having concluded the examination and read the deposition out loud, the deponent was given the faculty of making additions or modifications.

The deponent confirmed and signed her deposition.

MARIA DALL'ACQUA

Fr. PASQUALE DONIZZETTI, Instructing Judge

BRUNO TEDESCHI, Notary

Session 5

Deposition of Annunziata Bisi Petitioner's Witness

Today, March 13, 1997, at the seat of the Regional Ecclesiastical Tribunal of Calabria in Cosenza, in the presence of the Very Rev. Pasquale Donizzetti, Instructing Judge, with the Defender of the Bond absent though having been cited, and in the presence of the undersigned Notary, Annunziata Bisi, Petitioner's witness, having been legitimately cited, was introduced.

1.- GENERALITIES – VERIFICATION OF IDENTITY - OATH.

Annunziata Bisi, unmarried, born in CXXXXXX on XXXXXX, 1968, and having domicile in PXXXXXX at XXXXX.

Parish: PXXXXX. Profession: Hair Stylist.

Presents for verification: ID n. ,

Issued by the Municipality of PXXXXXX on XXXXXX 1996.

Having duly taken the oath, she responds as follows:

I have not been instructed on what responses to give in my deposition.

2.- I have known Carmela Mazzini since she was 10 years old.

We have had, and continue to have, a cordial friendship.

She was the one who informed me about her experiences with Antonio.

Carmela is a good-natured girl. She only loses her calm when seriously provoked.

She definitely received a Christian upbringing and, to my knowledge, has been faithful in her religious practice.

Prior to meeting Antonio, she had a romantic relationship that lasted a few years.

As far as I know, I consider her to be an honest person.

3.- I met Antonio Garibaldi when he was already in a relationship with Carmela.

I got the impression that he was a nice, polite guy, and a good person.

I am able to express judgments about his upbringing or his religious practice.

I know that he left home at a very young age and that he joined the Air Force.

I never heard anything about any possible immoral behaviors.

At the time of their courtship, no one brought forth any doubts about his seriousness in relationships with girls.

From what I learned from Carmela, I know that Antonio had had a previous romantic relationship.

I have no reason to doubt his honesty.

To be thorough, I would like to add that, in my opinion, Antonio was not sufficiently mature to assume the obligations proper to Christian marriage at that time.

4.- Judging from the outside, Antonio and Carmela were deeply in love.

As far as I know, the courtship unfolded peacefully.

They decided to marry by mutual agreement.

5.- Carmela never had doubts about Antonio's faithfulness.

No one ever warned her about anything in this regard, including Antonio's friends.

I know that Carmela held the value of fidelity in high regard.

I am sure that if she had known that Antonio had cheated on her, even just once, she would have left him.

However, she never expressed that in explicit terms, at least not to me.

6.- I was present at the wedding.
There were many guests, and the newlyweds seemed happy.

7.- I am sure that Carmela approached marriage with full knowledge of the obligations that she was taking on. For example, I know that she dreamed of having children. Antonio, too, understood the obligations of Christian marriage, including the obligation of fidelity.

I believe that he did accept these obligations unconditionally.

If I am remembering correctly, Carmela told me that Antonio had proposed that they live together, at least for a time, but she refused.

TO THE QUESTION, I answer that I never heard Antonio make any reservations against indissolubility or fidelity.

Prior to marriage, they both participated in marriage preparation at Cedrecchia.

8.- A few months after the wedding, Carmela, disappointed and embittered, told me that the marriage was seriously in trouble.

The crisis began when Antonio revealed that a few days before the wedding he had "cheated on her."

Once she learned this, her first reaction was a desire to leave him.

She did not carry out that decision because she didn't want to jeopardize her father's health, as he had heart problems.

And so she pushed ahead, but she was never able to overcome the sense of repulsion that she felt towards Antonio.

TO THE QUESTION, I respond that I have never spoken about this with Antonio.

Unfortunately, after a few months more, Antonio became unfaithful again.

Carmela was certain of this because she had been informed of it by trustworthy people.

At a certain point she, too, gave in, and also failed to uphold the obligation of fidelity, out of spite.

9.- After about a year and a half, the marriage collapsed.

The marriage ended when Carmela learned that, for fun, Antonio had brought a woman back to his quarters at the Airport.

It appears to me that Antonio was also subject to a trial on account of this conduct.

Carmela no longer wanted him around, and he left the marital home on November 1, 1992.

When Carmela told me these facts, she was deeply distressed.

I tried to get her to reflect and exhorted her to resume the common life, if for no other reason than to avoid causing her family such deep displeasure.

But she did not want to, and so the separation became definitive.

10.- Carmela told me that Antonio is currently living with another woman.

Carmela has found in her faith the strength to rise up from the depression and despondency into which she had fallen as a result of the failure of her marriage.

She lives with her parents, and is not involved in a relationship with another man.

At the moment, I don't believe she has any plans for another marriage.

11.- Having concluded the examination and read the deposition out loud, the deponent was given the faculty of making additions or modifications.

The deponent confirmed and signed her deposition.

ANNUNZIATA BISI
Fr. PASQUALE DONIZZETTI, Instructing Judge
BRUNO TEDESCHI, Notary

Session 6

Deposition of Giuseppe Verdi Witness of Both Parties

Today, March 13, 1997, at the seat of the Regional Ecclesiastical Tribunal of Calabria in Cosenza, in the presence of the Very Rev. Pasquale Donizzetti, Instructing Judge, with the Defender of the Bond absent though having been cited, and in the presence of the undersigned Notary, Giuseppe Verdi, witness of both parties, having been legitimately cited, was introduced.

1.- GENERALITIES – VERIFICATION OF IDENTITY – OATH.

Giuseppe Verdi, married, born in BXXXXXX on XXXXXX 1963, and having domicile in PXXXXX at XXXXXX.

Parish: XXXXXX.

Profession: Air-Force NCO.

Presents for verification: ID n. ,

Issued by the Municipality of PXXXXXX on XXXXXX 1996.

Having duly taken the oath, he responds as follows:

I have not received any instructions on the responses that I am to give in my deposition. Antonio only told me that I would be called upon to appear before this Tribunal.

2.- I met Carmela Mazzini when her relationship with Antonio began. I also met her family. In my opinion, Carmela is a great girl and a good person. She had a healthy upbringing and has always been faithful in her religious practice.

She is good-natured, but she does have mood swings. There are some difficulties in her relationship with her mother, whom she resembles in character.

I have no reason to doubt Carmela's honesty.

3.- I met Antonio Garibaldi when he entered the Air Force, of which I, too, was and am a part.

I also met his family; they live in Pragatto.

Antonio is an extroverted guy. He has a rich imagination, loves to be around people, and has a passion for music.

I have always been his good friend and confidant.

As far as I know, he was comfortable around his family.

I believe that his dad, who was retired from the Air Force, must have stepped in on more than one occasion to put a check on his son's exuberance.

I must acknowledge that Antonio was vulnerable to the allures of women and that sometimes he would engage in superficial flings.

When he was around 20, he began living with a woman who was a few years older than him.

His intentions with her were serious; by this I mean that he intended to marry her, and had even introduced her to his parents as his fiancée.

However, that woman proved to have an impossible character: she was excessively apprehensive and oversensitive, and was unfaithful.

With great difficulty, Antonio decided to break up with her.

Following that, he had only a few passing crushes until he met Carmela Mazzini.

Antonio is naturally candid: he is unable to keep his thoughts or experiences to himself.

I am sure that he will be honest about his experiences with Carmela.

4 - 5

Carmela and Antonio met by chance.

They developed an immediate fondness for one another and, after seeing each other various times, their affection deepened.

The consolidation of the relationship was also facilitated by their circumstances.

Antonio, who at that time did not have his driver's license, would be driven to Roccasecca by Carmela and then taken back to the Cosenza Airport.

More than a few times he was generously hosted by Carmela's parents.

This custom that developed with the Mazzini family had a notable influence on Antonio's progressive falling in love with Carmela.

TO THE QUESTION, I respond that I do not know whether, along with this growth in affection, the couple moved on to have intimate relations.

The courtship progressed normally, that is to say without any interruptions or fights.

In my opinion, they both were able to get to know each other in a fairly deep way.

I don't believe that Antonio failed to uphold the obligation of fidelity during the courtship.

I know that they were both committed to being open about all aspects of their individual lives; there were not supposed to be secrets between them.

Carmela definitely never called Antonio's faithfulness into question.

It is certain that, based on her values, if she would have learned that Antonio cheated on her, even just once, she would have left him.

I do not believe that Antonio proposed to Carmela that they simply live together for a period of time in order to see whether they would be able to live together.

They were both in agreement about the decision to marry.

With this goal in mind, they attended a marriage preparation course at Cedrecchia.

6.- I was present at the wedding. Both the ceremony and the reception were normal.

7.- I believe that, theoretically, they both were aware that Christian marriage entails the obligations of the indissolubility of the bond, of fidelity, and of openness to children.

I am also convinced that, at the moment of the wedding, Antonio accepted those obligations without reserve.

He never expressed any doubts regarding the future success of his marriage, nor did he ever state that he would seek a divorce in the event that his marriage was unsuccessful.

Likewise I am certain that Antonio married with the intention of observing the obligation of fidelity.

8.- Antonio confided to me that problems between him and Carmela arose on the honeymoon. However, he did not tell me the nature of the problems.

With the passage of time, and seeing that they were acting distant, I intuited that the problems probably regarded sexual issues, but neither Antonio nor Carmela got into detail.

On various occasions my girlfriend and I went to visit them.

We noted, for example, that Antonio became less and less able to understand and accept Carmela's sudden changes in mood.

A particular source of suffering was that Carmela would ignore him and would often leave him alone, preferring to go out with one of her girlfriends.

From certain exchanges that they had, and this is the most important thing, I understood that Antonio must have revealed something to Carmela regarding the topic of sexuality that hurt her so deeply so as to cause, in addition to some suffering, an attitude of being completely closed off from him.

As I've already stated, Antonio is by nature unable to keep secrets, even regarding the most private of things. At times he will reveal them quite naively, without thinking that doing so might not be in his interest.

Antonio confided in me that he noticed Carmela crying on multiple occasions, during the night.

During the most critical stage of the marriage, Antonio gave in to the advances of a girl and began a relationship with her, maybe because he was lonely and unhappy.

Carmela was informed that her husband was cheating on her by anonymous phone calls. I don't know whether Antonio cheated on Carmela with other women, apart from this girl. The girl that I just mentioned, whose name is Monica, is the same one that Antonio once brought back to the Airport; he was tried and punished by his superiors for this.

9.- The episode that I just mentioned was the straw that broke the camel's back. After this, Carmela no longer wanted to live with Antonio. This was around the beginning of November, 1992. Antonio asked me to pick him up from the Mazzini house. Good friend that I am, I picked him up and brought him back to the Airport. Antonio suffered greatly on account of the breakdown of his marriage.

10.- Currently, Antonio continues to work as a "radio operator" at the Cosenza Airport. He lives in a rented apartment with a girl (not Monica, whom I mentioned previously), near the Airport. Antonio hopes to one day be able to marry her in the Church. I am not able to provide any information regarding Carmela. I have not seen her since she separated from Antonio.

11. – Having concluded the examination and read the deposition out loud, the deponent was given the faculty of making additions or modifications. The deponent confirmed and signed his deposition.

GIUSEPPE VERDI

Fr. PASQUALE DONIZZETTI, Instructing Judge

BRUNO TEDESCHI, Notary

Session 7

Deposition of Antonio Garibaldi Respondent

Today, March 14, 1997, at the seat of the Regional Ecclesiastical Tribunal of Calabria in Cosenza, in the presence of the Very Rev. Pasquale Donizzetti, Instructing Judge, with the Defender of the Bond absent though having been cited, and in the presence of the undersigned Notary, Antonio Garibaldi, Respondent, having been legitimately cited, was introduced.

1.- GENERALITIES – VERIFICATION OF IDENTITY – OATH.

Antonio Garibaldi, born in PXXXXX on XXXXXX 1967, and having domicile in CXXXXXX at XXXXXX.

Profession: Air Force NCO.

Presents for verification: Driver's license n.,

Issued in CoXXXXX on XXXXXX 1992.

Having duly taken the oath, he responds as follows:

I understand the importance of the oath, made on the Gospels, and I promise to be truthful in my account of the facts.

2.- Please tell us about your family of origin (composition, socioeconomic status, family relationships); your upbringing (particularly, your Christian formation and religious practice); your education, and your entrance into the workforce.

Prior to meeting Carmela Mazzini, had you had other romantic relationships?

My parents are still living and they reside in Pragatto. My dad is retired from the Air Force. I have always maintained a cordial relationship with my parents and with my older brother, who is married.

I had a Christian upbringing, and I received the sacraments of Communion and Confirmation.

When I was 7/8 years old, my family underwent a terrible tragedy. Nine of my mother's relatives lost their lives in Rome when the building they were inside collapsed.

I was very shaken by this tragic event, and my faith in the goodness of God started to waver. Fortunately, I regained my faith a few years later and I have not since abandoned it, even though my religious practice has become less frequent. I go to church only when I feel like it.

At age 16, I left home and completed a training course at the Air Force, after which I was assigned to the Cosenza Airport.

I have lived in Cosenza since 1985.

My temperament is calm; I react only when seriously provoked.

I am open, I love being around people, and I am passionate about music.

I have always tried to behave responsibly toward girls, in the sense that I have only given myself sexually to those with whom I intended to establish a serious bond, with the goal of marriage.

I had my first sexual relationship at age 18 with a girl I fancied who was four years older than me. She left me after a few months.

I would like to clarify that both in this case, and in the one to follow, my preference has been for women older than me.

I believe that I was unconsciously seeking protection and that I somehow considered them to be something of a mother figure.

When I was around 19, I began living with a woman in Cosenza (named Graziella), who was also four years older than me.

We began to cohabit at her request; she was energetic and imposing.

As for me, I intended to marry her.

That relationship lasted a few years. It was ended at the behest of my family members, who were more than justified in doing so.

In fact, my family had found out that she was involved in another relationship on the side.

In my naivety, I had not realized this.

I was very attached to Graziella, and the breakup was a source of great suffering for me.

At that moment, I began to doubt that there was such a thing as authentic, undying love.

The following year I limited myself to a few fleeting, meaningless affairs, until I met Carmela in 1989.

I must say that my frankness is a central aspect of my personality. I can't keep anything to myself, even that which is most private. This is especially true with regard to the people I love, especially if it's something that has to do with my own behaviors that I know will be hurtful to them.

I act this way despite knowing that my openness (I'm not sure whether to attribute it to naivety or a desire to unburden myself of guilt) will often cause me problems, as was the case with Carmela.

3.- Please tell us about your wife: family of origin (composition, socioeconomic status, family relationships); her upbringing (particularly, Christian formation and religious practice); her education, and her entrance into the workforce.

To your knowledge, prior to meeting you, had Carmela had other romantic relationships?

In your opinion, is she sincere and worthy of trust?

Carmela Mazzini comes from an excellent family.

I can attest from my own personal experience to the generosity and openness of her parents, who welcomed me like a son and have always been the first to offer me help.

You might say that the separation from them has been an even greater suffering for me than my breakup with Carmela.

Carmela has Christian values and is faithful in her religious practice.

I know that since the separation she has become even more fervent about her faith.

When I met her, she worked at a goldsmith company.

She told me that prior to meeting me she had had another romantic relationship that lasted a few years. He turned out to be a lowlife, and that's why she left him.

I am certain that Carmela would have been extremely honest in her account of the facts.

4.- When and how did you meet?

How did your relationship develop? Did you love each other? Were there signs of affection?

Did you have intimate relations?

Were there any particular difficulties between you?

When did you begin to speak about marriage?

What did your families think about your relationship?

When and why did you decide to marry? Whose initiative was this?

Did you consider the possibility of cohabiting, or of marrying only civilly?

We met by chance in the spring of 1989.

Carmela was with her cousin, who had caught my attention.

Carmela told me that her cousin was cheating on me and was romantically involved with another guy.

So I broke off my relationship with her, and began a relationship with Carmela.

After a few months of going out, we developed considerable feelings for each other.

Since I did not have my driver's license, Carmela would come pick me up in her car, take me back to her house in Roccasecca, and then bring me back to the Cosenza Airport, where I was housed as an NCO.

As I said, Carmela's parents gave me a warm welcome. As the wedding approached, I would spend the night at their home.

I can attest that Carmela and I were both deeply in love.

After a few months, by mutual agreement, we passed from more superficial signs of affection to having intimate relations. I would interrupt the act in order to avoid conception.

That didn't last long, however. Maybe because she was convinced that she had already won me over (which I consider to be the very reason that she gave herself to me), and having developed scruples, Carmela asked that we no longer have intimate relations for the 6-7 months that remained before our wedding.

Though begrudgingly, I accepted her wishes.

My parents were very happy about my relationship with Carmela.

Mindful of my negative experience with Graziella, I told Carmela that before we got married we should live together for a time in order to test out whether we were capable of living together.

I want to make it clear that my ideal was marriage; I just wanted to be sure that it would be successful.

Carmela (and certainly her parents as well), decidedly rejected my proposal.

In love as I was, I adapted to the idea of marrying without much difficulty.

The definitive decision to marry was made about one year prior to the wedding, which was February 3, 1991.

5.- How did the immediate preparations for marriage unfold?

Did you participate in any marriage preparation courses? What were your and your fiancée's reactions?

Were there any noteworthy events from this period?

We attended marriage preparation in Cedrecchia.

I took part with great interest, and often would ask clarifying questions.

There was also a girl named Monica, who was attending the course with her own fiancé.

As soon as we met, Monica and I both felt a mutual attraction.

It so happened that one day she was giving me a ride. She was so insistent and alluring that I was unable to resist and I gave in to her; we had intimate relations.

This happened 3-4 months before the wedding and it happened two more times, always at Monica's insistence; she was sexually insatiable.

Unfortunately, in my weakness, I gave in.

Furthermore, about three weeks before the wedding I happened to have a chance run-in with Graziella, with whom I had lived for a few years.

Overwhelmed yet again by the sexual impulse, I spent the night in a hotel with her.

I would like to point out that Carmela and I had made a pact: each of us had to reveal his or her whole self to the other, without any secrets.

I was well aware of that commitment, but when it came down to it I didn't have the courage to reveal my infidelities to Carmela.

Well aware of the values that Carmela aspired to, I was sure that if she was aware of my infidelities she would have left me.

In spite of my weaknesses, for which I felt remorse and repentance, I loved Carmela so much. I couldn't resign myself to losing her, and I promised myself that once we were married I would never again betray her, even though I was unsure of my own willpower.

For all of these reasons, I didn't tell Carmela.

TO THE QUESTION, I answer that, despite having experienced my weakness, I did not formulate any intention to regain my freedom by recourse, for example, to divorce in the event that I failed to remain faithful in my affections for Carmela.

TO THE QUESTION, I answer that it is true that I intentionally hid my infidelities from Carmela, because otherwise she would not have married me.

However, I was determined to marry her because I loved her.

I considered marriage to be even more inevitable when my future in-laws, out of the generosity of their hearts, offered us a part of their home.

6.- Did you share a mutual understanding of the obligations that marriage entails?

What were your and your fiancée's ideas about marriage, both as a natural institution (permanent communion of life, characterized by fidelity, indissolubility, and openness to children), and as a sacramental reality?

Were you sincere in your responses to the prenuptial investigation?

Was your fiancée sincere?

I understood perfectly that Christian marriage entails the obligations of indissolubility, of fidelity, and of openness to children.

I was very uncertain about my capacity to uphold it, but I did not exclude the obligation of fidelity.

I remember that I was examined by the Pastor of Roccasecca regarding the obligations of Christian marriage.

I responded sincerely to his questions, with a sense of responsibility.

I am certain that Carmela, too, accepted all of the obligations of marriage without reserve.

7. - In approaching marriage, did you intend to establish a marriage that would last forever?

Did you ever speak with your fiancée about what you would have done in the event that your union proved unhappy?

Did you ever speak about this with others?

8. - How well did you know one another prior to marriage?

At the time of the wedding, what were Carmela's beliefs regarding your personality?

Did your fiancée ever express doubts regarding your trustworthiness or morality? Did she ever ask you for guarantees in this respect? How did you respond?

Are you aware of whether anyone warned Carmela?

I told my friend Giuseppe Verdi, immediately after the fact, just that I had met up with Monica and Graziella, but I did not get into detail.

I did not speak with anyone else about my infidelities.

Carmela trusted me blindly, especially considering the honesty pact that we had made.

She would never have imagined that I cheated on her, and especially not that I had done it so soon before the wedding.

No one else told her anything that could have made her suspicious about my infidelity.

9.- How did the wedding go?

Did you take a honeymoon? Was it serene?

Was the marriage consummated?

The wedding ceremony took place at Roccasecca, and it was normal. My closest relatives were there.

Immediately after the wedding we spent a few days in the mountains. We then went to Pragatto, where we had planned to meet up with a group of my relatives and friends.

We went down to Pragatto on February 10. We still had not consummated the marriage.

Carmela, with her feminine instinct, had picked up on something strange going on with me, and showered me with questions to get an explanation.

On my end, I didn't push for intimacy because I felt dirty inside after my infidelities.

To hush Carmela up, and even more so to get myself out from under the weight on my shoulders, the day after we had dinner with my relatives in Pragatto I revealed to Carmela what had happened three weeks before the wedding.

I limited myself to saying that I had had sexual relations with one girl.

I tried to justify my actions by saying that after so many months of abstinence I couldn't resist the opportunity that was presented to me.

I added that I didn't want to tell her right away because I was terrorized at the thought of losing her. I assured her that my heart was wholly for her alone, and I pledged to her my absolute faithfulness for the rest of our married life together.

Carmela was in shock. She ran away from me and made it clear that she intended to go back to her parents'.

My mother was also present when Carmela ran away. I had already told my mother what had happened three weeks before the wedding.

My mother tried to convince Carmela not to do anything she couldn't come back from. On my part, I also begged her to stay with me.

With much effort, Carmela finally accepted to go on the trip we had planned to Thailand.

But throughout the trip she did nothing but cry.

Despite all her best efforts, she was unable to overcome her mental block, which prevented her from completing the sexual act.

10. - How did your common life unfold?

When did Carmela discover that you were different from how she knew you to be prior to the wedding? With regard to which particular qualities did she feel deceived? What was her reaction?

Once we returned from Thailand, we got set up, as planned, at the Mazzini home.

I did as much as I could to be caring, polite, and affectionate toward Carmela, but she was unable to overcome the sense of rejection that she felt towards me.

For this reason, sexual relations were rare, incomplete, and not satisfying for either of us.

I was patient for more than one year, always hopeful that our situation would improve.

During this span of time, I never failed in my observance of fidelity.

One thing that really helped me look beyond Carmela's dissatisfaction was the cordial relationship I had established with my in-laws.

I believe that they realized that something was seriously amiss in our married life, but they were discrete and never intervened.

I am unaware of whether Carmela ever confided in her mother.

Beyond her sexual apathy with me, Carmela would sometimes leave me home alone in the evening to go out with one of her girlfriends.

This was a great suffering for me, which I would attempt to somehow remedy by immersing myself in music.

I also got some relief from visits from my friend Giuseppe Verdi and his girlfriend.

11. Why did your union enter into crisis?

Did you make any attempts to overcome your difficulties, or seek out any help from others?

How did you decide to separate? On whose initiative? Did you legally separate?

12.- What is your current status? What are your plans for the future?

Can you tell us anything about the current status of your wife?

After a year, having grown tired of that life and having lost hope that things would improve, I sought out consolation with the above-mentioned Monica, who in the meantime had gotten married, but who was also experiencing problems in her relationship with her husband.

I met up with her various times, having intimate relations.

When the occasion presented itself, I would have sexual encounters with other girls as well.

Carmela was informed of my affairs by one of her girlfriends.

As a logical consequence, our already troubled marriage got even worse, so much so that even Carmela, by her own admission, was unfaithful, probably more to spite me than for her own sexual satisfaction.

The episode that marked the definitive breakdown was when I had an encounter with Monica at my workplace.

Monica had called me in an unusually serious moment of crisis, begging me to help her.

With my usual naivety, I invited her to come to my place at the Airport. This was absolutely forbidden by the military code, and resulted in disciplinary sanctions.

At this point, Carmela decided to break up with me definitively, and I couldn't do anything but agree with her.

With help from my friend Giuseppe Verdi, I moved out of the marital home on November 1, 1992, and I moved into the personnel housing within the Airport.

The *de facto* separation was succeeded by the civil separation.

For the last 14 months I have been living with a girl 10 years my junior, who has a difficult relationship with her parents.

We both have a lot of problems to overcome, but we hope there will come a time that we can celebrate a marriage.

Carmela has immensely suffered due to the failure of our marriage.

Fortunately for her, she has found in her faith the strength to pick herself back up.

She lives with her parents and is not in a relationship with another man.

I am not sure whether or not she excludes the idea of starting a new family.

12. – Do you confirm the *libellus*? Do you have any witnesses to propose?

I am aware of the content of the *libellus*. I am substantially in agreement with that which is declared therein.

It must, however, be corrected and completed in light of the information I have presented in this deposition.

I have no objections to the persons presented as witnesses.

The names of Giuseppe Verdi and of my mother were suggested by me.

13.- Do you have anything to add, remove, or modify?

Having completed the examination and read the deposition out loud, the deponent was given the faculty of making additions or modifications.

The deponent confirmed and signed his deposition.

ANTONIO GARIBALDI

Fr. PASQUALE DONIZZETTI, Instructing Judge

BRUNO TEDESCHI, Notary

Rogatory Examination
Ecclesiastical Tribunal of the Diocese of Pragatto

N.M. MAZZINI - GARIBALDI

On April 29, 1997, at 8:30 am, in the presence of the Judicial Vicar, Fr. Giordano Marina, the Defender of the Bond, Can. Ferrante De Luca, and the Notary, Fr. Pio Bove, subsequent to legitimate citation, Ms. Natalina Scotti, witness in the Mazzini – Garibaldi marriage nullity case, rendered the following testimony under oath:

1) Natalina Scotti, born in Pragatto on September 11, 1945, residing in Pragatto at via Pineta 2; driver's license n..

No suggestions.

2) I met Ms. Mazzini when my son announced his engagement. My husband and I went to Cosenza to meet both Ms. Mazzini and her family. I still keep in touch with Carmela by phone. I consider the Mazzini family to be a good family, practicing Catholics. As for Carmela, I consider her to be a moral person, at least to the extent that I know her. She is religious and sincere.

3) He is my son. Our family is well educated and has a good reputation. I love and think highly of my son, who has always been sincere.

4) They met at a dance club, as far as I know. I don't believe there were any difficulties. I learned about their decision to marry in a phone call from my son about three weeks before the wedding. I asked my son if he was sure about this, and he responded that they loved each other and that they got along well.

5) I learned from Carmela that she considered Antonio to be a very sweet person. I'm not sure about the rest.

6) The wedding was very solemn. The honeymoon was disastrous, given that my son, in a moment of emotional outpouring, admitted to Carmela when questioned by her that he had had a relationship prior to the wedding with one of Carmela's friends.

7) Prior to the wedding they both spoke with me about starting a family, of having a child as soon as possible. There were no conversations about indissolubility or about the possibility that the marriage would fail.

8) Their common life lasted a year, with constant fighting, always due to infidelity. All of the difficulties between them arose due to Antonio's infidelity. Carmela's reaction was to want to put an end to the marriage.

9) Also due to infidelity. There were attempts to reconcile at my son's initiative, but they were unsuccessful. After that, my son had relations with other women.

10) They have been living apart for five years now. I am not aware of future plans, at least with regard to my son.

11) No.

28/123

Read, approved, and signed.

Natalina Scotti
Fr. Giordano Marino, Judicial
Vicar
Fr. Ferrante De Luca, Defender of
the Bond
Can. Pio Bove, Notary

Concordat cum originali.

Pragatto, May 2, 1997

Decree of the Publication of the Acts: *in actis*

Decree of the Conclusion of the Cause: *in actis*

8th Renewal Course of Marriage Law and Canonical Procedure

Practical Case on “The Relationship Between the Exclusion of the Goods of Indissolubility and of Children in Rotal Jurisprudence”

Prof. Héctor Franceschi

Presentation of the Case

1. This case is comprised of the acts of a marriage nullity cause in the first grade of judgment, from the *libellus* up to the Auditor’s decision to consider the instruction concluded and hand off the acts to the President of the College.

2. This case is moderate in difficulty. All of the acts, declarations, depositions, letters, etc., are completely real, with the exception that all sensitive information has been modified or removed.

3. As you will see from the acts, the doubt was formulated as follows: “*Whether the nullity of the marriage in question is proven on the grounds of defect of marital consent by reason of the exclusion of the indissolubility of the bond and of the procreation of children on the part of the woman-Respondent.*”

4. Both parties were heard, and both parties named their own Advocate and witnesses.

5. Among the questions and problems to be considered in the resolution of the case, I would like to highlight the following:

a) both parties consider the marriage to be null;

b) the Respondent, both in her response after reading the *libellus*, in her declarations before the Tribunal, and in the letter she sent to her husband at the height of their conjugal crisis in 2016, included in the acts, strongly contests the husband’s explanation of the facts. This raises a fundamental question, that of the evaluation of the credibility of the parties, which can be deduced from the logical structure intrinsic to their declarations, from the testimony of witnesses, from those facts that are considered proven beyond all reasonable doubt, and from the affirmations of credibility witnesses.

c) over the course of the Instruction, other possible grounds of nullity come to light.

d) However, the Instructor of the cause declares that the Instruction should be concluded, and transmits the acts to the President of the College without evaluating whether or not it would be opportune to seek complementary proofs.

6. Keeping in mind all the foregoing, the preparation of this case should aim to provide a reasonable response to the following questions:

6.1. The extrinsic and intrinsic credibility of the parties.

6.2. Evaluating the two grounds of nullity presented in accordance with the classical jurisprudential *schema* for the proof of simulated consent, to determine whether either or both grounds included in the formula of the doubt can be considered proven to the standard of moral certitude:

a) Direct proof: is there a judicial or extrajudicial confession to the alleged exclusion on the part of the woman-Respondent? Try to identify which passages from among the proofs speak in favor of or against the existence of an exclusion of children or of indissolubility.

b) Indirect proof of a positive act of the will

- What was the *causa contrahendi matrimonii*?
- Is there a remote *causa simulandi* and a proximate *causa simulandi*?
- Do the circumstances antecedent to, concomitant with, and subsequent to the wedding speak in favor of or against the exclusion of indissolubility and/or the exclusion of the *bonum prolis* on the part of the woman-Respondent? For the discussion, try to highlight which passages from the Acts prove facts in favor of or against these grounds of nullity.

6.3. In this specific case, do you believe there would be a relationship between the exclusion of children and the exclusion of indissolubility?

7. In light of the proofs presented, are you in agreement with the decision to consider the Instruction complete and to pass to the final, discussion phase? If not, what would you have done differently? At the end of the discussion we will speak about what the President of the College decided, and then of the final decision.

The Acts of the Cause

Introductory *Libellus*

I first met Gloria in November of 2012 at a patronal festival...At the time, I was 39 years old and I worked as a tour guide; Gloria was 30, and she was concluding her studies in medical school.

We met once again during the month of December, but then we lost touch because Gloria was very busy with her studies. We saw each other again in May of 2013 and began to spend time together as friends. By July of that year, we considered ourselves to be in a relationship.

Our courtship lasted little more than a year and it was, by all appearances, fairly serene. We would see each other 2-3 times a week, and we hardly ever fought or argued.

From the beginning, I noticed that Gloria would allow her father to be constantly present throughout our time of dating. I also perceived that her father was against our relationship. I asked to speak with him to see whether I could clear up any questions that he had, but in the end we never had such a conversation, so I thought that perhaps I was making too big of a deal out of it.

In November of 2013, Gloria began talking about marriage. Even though I realized that it was too soon, I accepted because I was in love with her.

However, during our wedding preparations, my initial uncertainty, rather than dissipating, increased. On various occasions I was able to observe that the decisions that Gloria made on a daily basis, in addition to those that had to do with our wedding, were profoundly different from my own approach to life and my own priorities. While I was most focused on the religious ceremony, Gloria concentrated almost exclusively on the reception, and I found the level of attention she paid to the details of the reception to be excessive.

We did not have fights or heated arguments because Gloria was extremely attentive to appearances and politeness, to the point of excess. However, my doubts and uncertainties increased as the wedding day approached.

Gloria cared a lot about social approval and appearances, and in her daily life she continually sought affirmation that she possessed an elevated social status. She wanted to take vacations to five-star hotels and aspired to make connections with so-called VIPs.

This behavior worried me greatly. In fact, I realized that Gloria, beloved only child that she was, was not used to contending with real life, and I feared that her expectations were

not very realistic. This raised serious doubts and uncertainties for me concerning our future life together. I did not intend to become a second father-figure to Gloria; rather, I wanted a woman by my side with whom I would be able to share a real life-plan.

Gloria picked up on my uncertainty and she also began to express doubts and apprehensions as our wedding approached.

Even in the decision about where we were going to live after the wedding, Gloria asked me to wait before looking for a house because she said that she wanted to wait until she had attained her specialization.

All of these circumstances, together with Gloria's rather detached behavior in the final weeks of engagement, led me to seriously think that she was not ready for married life, or in any event that she had changed her mind and no longer wanted to get married. I considered her to be fairly immature, and I started to doubt whether she was the type of woman I wanted by my side.

On the wedding day, at the end of the reception, even though everyone else had left, her father and his second wife did not seem like they wanted to leave; they stayed with us until late in the evening.

The following day, rather than telling me honestly that she wanted to celebrate her father's birthday, Gloria made up an excuse to delay our departure in order to have dinner with him.

We got into a heated argument on the honeymoon because it seemed like she preferred to go shopping rather than spend time together. Likewise, on our return flight, she made a scene because of the class our seats were in.

Upon returning from our honeymoon, we moved into her mother's house, and our problems began immediately. From the beginning, Gloria was acting detached from me, and I picked up on a deep sense of unfamiliarity on her part that was seriously unsettling. This confirmed my conviction that, in the weeks leading up to the wedding, Gloria had changed her mind and no longer wanted to get married. In fact, apart from sharing a room, we didn't live like a married couple: we didn't have lunch together, we didn't make plans except for trips and vacations, we didn't discuss anything together, we never spoke concretely about the possibility of getting our own home. Gloria wasn't able to identify with her role as a wife; she was used to being taken care of, and revealed herself to be incapable of being the one taking care of someone else. We would eat lunch out every day, often separately. On my end, I felt like I was a guest in my mother-in-law's home, and I felt uncomfortable for multiple reasons. So, our life together quickly became a constant argument, about everything.

We had not had intimate relations during our courtship. After the wedding, from the beginning, Gloria insisted that our relations would always be attentively contracepted. When I would ask questions, she would respond curtly that it was not the time to think about having children, without getting into more specifics.

Over Christmas, all of our problems became even more serious. On the feast of St. Stephen, she left me at home alone in order to have lunch with her father. She spent New Year's Eve and Day with her parents in Vienna, even though she knew that it was important to me to stay in Rome for my mother's birthday.

Although we had talked about staying at her mother's for two or three months, we ended up staying much longer than I would have wanted. When I asked her about looking for our own house, she told me that she wanted to separate. We spent two weeks in Sardinia over the summer vacation, and when I came back to Rome she stayed for an additional month in Sardinia with her father.

In September of 2015, I told her that I did not intend to go back to her mother's house, and she responded that she wanted a divorce. Even though we took a trip to Spain in November, things between us continued to fall apart, and by Christmas 2015 we were living separately.

We stayed in touch for a few months and I also attempted to rent an apartment that we had gone to see together. She never moved in, so I moved out after three months.

The legal separation followed.

During our common life, Gloria told me on various occasions that, for her, our marriage was not indissoluble. She said that she had married me to test it out, in the sense that if things between us did not go as she wanted, she would have gotten a divorce. She confirmed this by means of her decision to exclude children, which she enacted from the very beginning and throughout the entire common life.

For these reasons, in accordance with the norm of can. 1101 n. 2 C.I.C., I am asking this Tribunal to declare the nullity of my marriage "*Due to a defect of consent on the part of the Respondent, who excluded the indissolubility of the bond and the procreation of children.*"

Rome, 11/09/2019.

(Omissis)

DECREE OF THE FORMULATION OF THE DOUBT AND OF THE CONSTITUTION OF THE COLLEGE

The undersigned Judicial Vicar:

- having taken note of the Decree of admission and citation, given on 12/18/2019, and duly communicated to the Respondent, Mrs. Gloria, and to the Defender of the Bond, Dr. Daniele, neither of whom have raised any objections within the time frame allotted;

- in accordance with the norms of can. 1513 §§1-2 and can. 1676 §§2-3-5 CIC;

DECREES

that the doubt is formulated as follows: "*Whether the nullity of the marriage in question is proven on the grounds of defect of marital consent by reason of the exclusion of the indissolubility of the bond and of the procreation of children on the part of the woman-Respondent*";

ESTABLISHES

that the cause in question be handled according to the *ordinary process*;

CONSTITUTES

The College of Judges through the designation of:

Rev. Maximo..., Presiding Judge

Rev. Antonio..., Judge

Rev. Francesco..., *Ponens*

in order that they may proceed according to the norm of law until the definitive sentence.

Ms. **Roberta** is appointed as Auditor in the above-mentioned cause.

(Omissis)

Both parties have named their own Advocates.

MEMORIALE OF THE UNDERSIGNED GLORIA, RESPONDENT, IN RESPONSE TO THE LIBELLUS OF THE PETITIONER

I, the undersigned Gloria, Respondent in the above-mentioned marriage nullity cause, after having read the *libellus* presented by Mr. Stefano, by which he requested that this Venerable Ecclesiastical Tribunal declare the nullity of our marriage, feel begrudgingly obliged to contest that which he affirms therein, which does not correspond to the truth. I will explain, as follows, the truth about our marriage.

1. We began seeing each other in early 2013, meeting up as friends and going out to eat on a sporadic basis. We started to consider ourselves a couple in July of 2013 and would get together almost daily after he finished work and after his ritual visits to his mother. Our courtship really and truly began in the fall of 2013 when we organized a dinner at (*omissis*) with my parents and his mother. My parents were never opposed to our relationship, and what Stefano said about my father's intrusiveness and opposition is absolutely untrue – this never existed. A short time later, we began speaking of marriage because Stefano said that he was already older and that he wanted to marry within the year; his mother wanted a grandchild to raise immediately, so that she would be able to retire. I embraced Stefano's wishes and accepted when he proposed marriage, which occurred one night at the Trevi Fountain. I still remember that moment distinctly!

2. Our engagement was very brief. We did not have time to get to know one another in depth, precisely because Stefano wanted to marry immediately and have children. We were always in agreement about having a religious wedding, and we went to see a few churches in Rome. One time, we went with his mother to see a little church (*omissis*), where she had wanted to marry her husband in the past, and where she would have wanted us to get married. I was not in agreement; the church was small and in a remote location, and most of our guests were from out of town. Stefano and I went to see 4-5 other churches, and in the end we decided on (*omissis*) because we were struck by the beautiful mosaics behind the altar. We thought the structure checked all the boxes of what we wanted for us and for our guests: it was well-situated in the center of Rome, it was luminous, sufficiently large, it had parking, and it was accessible. Stefano and I both agreed about the choice; the biggest obstacle was getting his mother's approval, as she continued to insist on the other church (*omissis*). The other problem was the reception venue. Stefano's mother had proposed the rooftop terrace of...because of the panoramic view, but the reception space would have been a prefab gazebo without even an elevator, which would pose a problem for our elderly guests. Furthermore, we would have had to hire a catering company, since there was no in-house catering service. I proposed another rooftop venue...which is a spacious venue with a beautiful view of Rome and indoor/outdoor seating depending on the weather, with elevators and in-house services. In order to convince Stefano's mother, we had to get Stefano's father's friends to intervene, since they lived across the street from the venue at that time...

3. We attended a marriage-preparation course. During the meetings, Stefano was always distracted. He often played on his phone and appeared disinterested, to the point that we ditched the final meetings because Stefano would not change his behavior and I was embarrassed by him. He would not participate actively along with me, and he would act annoyed. To this day, I do not understand Stefano and his mom's behavior. In the time before the wedding, they had continually asked for this marriage. Then, when we were at marriage prep, and when it came down to arranging all of the details, Stefano became so passive, indifferent and irritable about the preparations. Once we had decided on the church where we would marry, Stefano delegated all the rest of the organization to me. He was only interested in deciding on where the church would be, but then he wouldn't even work on the wedding-Mass programs or decide on the music. Since he wasn't doing it, someone had to. I didn't shy away from the task, since I was happy about marrying him, even though at that time I was busy preparing for the entrance exam for my specialization program. The

wedding date was pushed back because my exam was pushed back. I had made a real life plan with him as the wedding approached, and I pursued it with dedication. I exerted myself so much, studying and taking care of the wedding preparations. I very much had a realistic idea of life, contrary to what Stefano affirmed in his *libellus*.

4. Because I loved Stefano, I thought that the problems with his mother were just your classic overbearing mother-in-law who, after the wedding, would have been set to the side to make some space for our life together as a couple. Unfortunately, that wasn't the case! "My mother is like a *Prussian tank*," is how Stefano explained her once. I didn't want to believe him, and I hoped that she would step to the side a bit, for her son's sake. Stefano (and above all his mother) pressured me and my family into celebrating the wedding sooner, justifying her haste with the fact that she and Stefano were both older, and that she wanted to become a grandmother as soon as possible.

5. There were no doubts or hesitations on either part at the time leading up to the wedding. We were happy to be getting married. Stefano never expressed any doubts or uncertainty prior to marriage, and he was as desirous to marry as I was. Actually, he was the one who was in such a hurry because of his age, his mother's age, and wanting to have children. I absolutely did not intend to exclude indissolubility and/or children from the marriage that I was preparing to celebrate with Stefano. On the contrary, I wanted to have children precisely with the man who was going to be my husband. And I desired to stay with my husband for the rest of my life, and to start a family with him. For that reason, I did all in my power to try to find a stable job as a doctor as soon as possible, so that I would be able to guarantee that we would have independent financial means for our future child, rather than needing to ask our parents for help. Additionally, I wanted to be in the position to raise our child ourselves, rather than needing the grandparents to do it.

6. Even on the wedding day Stefano's mother wanted to be at center stage, by her son. In the evening, I was dancing with my father, waiting for my husband to return from dropping his mother off at her house. The following day we had to make the ritual visit to his mother's because Stefano wanted to get her out of the house. We took a walk down via Cola de Rienzo; it was mother and son in front, arm-in-arm under the big umbrella, and me, alone, walking behind them with the little umbrella Stefano's mother had given me. Our honeymoon was interrupted by all of his mother's phone calls, which she made for the most futile reasons (she had forgotten where she left her money; the heat wasn't working; she had high blood pressure; she felt lonely!!!). So, Stefano was obliged, from Miami, to call their neighbor and ask him to look after his mother. We were in a store in Nassau when Stefano told me, "*but we're not a family*"; I was very upset by this statement. When I asked for an explanation, he responded that, "*for him, it's not a family unless you have children!*"

7. With regard to our conjugal home, Stefano asked my mother if we could live at her house. In reality, he was pretty much absent from the beginning. I was always by myself; Stefano didn't share his life, his problems, his day-to-day, or his feelings with me. He was physically and emotionally distant. He would come back home late to sleep, and he would often stay over at his mother's. When he would come home at dinner time we would just exchange a few words before he went to bed, saying goodnight with a kiss, not every night! In bed, he would always have his back turned the whole night, and if I approached him, he would reject me, move over, and tell me that I was "*oppressing him*" !!! Early in the morning he would get dressed and, without even having breakfast together, would go back to his mom's to shower and get his laundry done, and to check on her; in reality, she was in good health. Stefano would often act very nervous and agitated. At home, he would appear uncomfortable, even though he was always treated with the utmost respect. We was always indifferent to and disinterested in everything. He would often prefer to stay at his mother's, with the excuse that she lived closer to his workplace and so it was more convenient for him

to be able to sleep in. That was his official reason for sleeping at his mom's house, instead of with his wife!!!

In reality, it was only with time that the truth came out about his firm, unmovable will to continually check up on his mother, who was 75 years old, in good health, and worked full-time as a tour guide in Rome. Over time, Stefano's attitude with respect to his mother got even worse, to the point that I was no longer welcome in their home. When my mother-in-law would organize dinners with different guests, she would ask for her son's help with a text message, adding the phrase *ohne Sie* (= *without her*). I even tried to talk with Stefano's cousin, who came from Germany to Rome for a few days in 2015. This cousin was a psychotherapist, and I hoped that she would be able to help her cousin Stefano so that our relationship could improve. My attempts were in vain, because the situation did not change. Our communication and decisions, even the most insignificant, were made conditional to the mother's approval, without which nothing would be decided upon. I remember one instance from 2014 (during a brief trip to Bressanone). My mother-in-law wanted Stefano and I (*we were already married!!!*) to sleep in two separate twin beds. As a guest, I didn't say anything, but that evening I pushed the beds together, and the next morning there was a whole series of arguments about it. Stefano, who was there, did not do anything!!!

8. In the end, we were never able to find a place to live together. In the beginning, Stefano never showed any interest in finding our own house. In 2015, on a few occasions, he took me to look at houses located close to his mother's.

QUESTIONS FOR THE PETITIONER

1. Generalities, oath, profession. Religious practice.
2. For what reason do you believe your marriage to be invalid? What motivated you to introduce this cause?
3. When, where, and how did you meet the Respondent? How old were you both at that time? What types of activities (work and/or study) were you each engaged in during that period?
4. What was the nature of your initial relationship? When did you move from being acquaintances to dating? How long was your courtship? How did it unfold?
5. Was there prenuptial intimacy in your courtship?
6. Please describe your character and your education. And the character and education of the Respondent? Were you in agreement, or did you have points of disagreement?
7. When, why, and on whose initiative did you make the decision to marry?
8. Who saw to the preparations? As the wedding approached, were there any doubts or uncertainties about your future conjugal bond?
9. Were you both aware of the Catholic doctrine on marriage, and its properties and ends? Did you accept it? If not, why? In particular, what was the Respondent's understanding of the indissolubility of the bond and the procreation of children at the time of the wedding?
10. What circumstances or convictions led the Respondent to exclude the indissolubility of the bond and children? How did you react when faced with this intention?
11. Was the marriage consummated? Was it open to children? If not, why?
12. Where did you establish your common life? Was it peaceful and calm? If not, why? When and why did your first conflicts arise?

13. Did your intimate life unfold normally? Was it open to life? If not, who was using contraception? Did you ever conceive? Did either spouse ever request to have a child?

14. How long did your common life last? Who initiated the *de facto* separation? Why?

15. Where and with whom do each of you live? Do either of you intend to remarry?

16. Having read your deposition, do you confirm it? Is there anything further you would like to declare, modify, or delete?

Oath *de veritate dicta ac de secreto servando*.

SESSION 1

Judicial Deposition of the Petitioner

1. (*Omissis*)

2. I believe that my marriage never existed. I say this because my ex-wife never had the real intention of uniting herself in Catholic marriage. I decided to introduce this cause because, in my belief that the marriage never existed, I want to clarify my position before the Church.

My family of origin was composed of my parents and myself, an only child. Unfortunately, my father passed away in 2009, and he was a pilot in the Air Force. My mother was a tour guide in the province of Rome, and she passed away in 2019. I helped my parents through their illnesses: first my father, who had a tumor, and then my mother, who suffered the same pathology.

My parents raised me in the Catholic Faith, which they always believed and practiced. My relationship with them was serene, characterized above all by dialogue. In fact, I tended to converse with my father more about topics like law and history, and more about topics like art and music with my mother. I can say that I grew up in a peaceful family.

I went to Catholic school and a humanities high school called... Following that, I got my degree in political science and literature. Then I got a diploma in archivistics and I worked as an archivist at... I then completed various post-graduate Master's programs. Ultimately, I got my certification to work as a tour guide, which is the work I am still doing.

Prior to meeting Gloria, I did have romantic relationships. However, I don't feel like they are even worthy of mention because they were not significant relationships.

Gloria's family was composed of herself, an only child, and her parents. However, when I met them, her parents were already separated. In fact, Gloria lived with her mom, and her dad was involved in a romantic relationship with another woman whom he married in 2016.

When I met her, I got the impression that her mom believed and practiced the Faith. Gloria, on the other hand, only went to Mass on holidays. Over time, I understood that Gloria did not practice her Faith at all.

When I met Gloria, I noticed that she had a conflictual relationship with her mother because she would often argue with her, though I am not sure what these conflicts would be about. On the other hand, she had a more empathetic relationship with her father.

I don't know whether, prior to meeting me, Gloria had had other romantic relationships. When I would ask her, she would always try to avoid giving me answers.

3. I met Gloria in November of 2012 at a reception organized by (*omissis*). I was part of this association, and so was Gloria's mom. At the time, I was thirty-nine years old

and I was already working as a tour guide. Gloria was thirty-one and she was still in medical school. I believe she was working on her thesis.

4. At that time, I was extroverted, decisive, serene, and satisfied with my job. I felt like I had accomplished my professional goals and so I wanted to be able to find someone with whom to start a family, with children.

At the time, Gloria seemed to me to be a serene, joyful girl who was happy with her life. Over time, I discovered that Gloria was a complicated girl with unresolved issues. Specifically, Gloria took great care to always satisfy her parents' demands, especially those of her father. In fact, after we married, if we had to make a decision, Gloria would call her father in front of me to ask him if it was the right decision. In the end, I have to say that I'm not sure how much Gloria really understood herself. I hope that our experience of marriage was helpful to Gloria, so that she can understand what she truly wants out of life. Our experience of married life, as I will explain, demonstrated that Gloria did not really know what she wanted out of life.

To the question posed by the Respondent's advocate, I answer that Gloria, at the time, was not a decisive, determined person.

Gloria seemed to be decisive only when she needed to organize a vacation. In fact, she was very determined about that topic, so much so that when we were completing our marriage-preparation course, she wanted to take a break because she was supposed to go on vacation to Sardinia with her father. I must admit that, at the time, I think these attitude changes on Gloria's part were very significant. Only over time have I come to understand that she had a very complex personality, and that her behavior was unmanageable.

After we met at the reception, we saw each other again in January/February of 2013 and we went for pizza together. It was only in June of 2013 that we started to see each other somewhat regularly, around two/three times a week. In the month of July, I went to visit her at her family's vacation home in Sardinia, and her relatives were there as well.

5/7. Our courtship lasted about a year and a half. During the courtship, we did not have intimate relations. Gloria was the one who requested that we abstain, and I accepted. I must say that I interpreted this as an ethical demand on Gloria's part, because she was not practicing her faith.

To the question posed by the Respondent's advocate, I answer that there was an official courtship, in the sense that Gloria's father was very attentive to these formal details. Therefore, we organized a dinner with our respective families at a very "hip" restaurant, chosen by Gloria's father for that very reason. I was in agreement about having this courtship dinner, but I had absolutely no interest in the venue.

Our courtship unfolded peacefully until we started to plan the wedding. Essentially, during this phase, two different visions emerged: mine and Gloria's. They were completely opposed to one another with respect to the value that we placed on our marriage.

In reality, I have always been very attentive to the sacramental aspect and to the important values that are connected to the sacrament of marriage, whereas Gloria was more focused only on the external aspects of the ceremony, as I will explain.

The marriage proposal happened around May of 2014, when Gloria and I were eating at a restaurant one evening. She asked me if I would agree to marry, and I told her yes. So in July of 2014 I officially proposed. I brought her to the Trevi Fountain and I gave her our family ring. I would like to point out that, around a year after we were married, Gloria told me that she didn't consider the ring I had given her to be an engagement ring because it did not have a diamond. So, I gave her another one, which she then showed to her parents and, two days later, told me that the diamond was too small.

After just a few months, I realized that Gloria's dad was too involved in our decisions. I realized especially that he wanted me to act in accord with his point of view. That was the reason why I asked to have a personal meeting with him, to understand how to overcome this difficulty. It was impossible to speak with Gloria's father alone because he would always come with his partner and with Gloria, and I couldn't talk about this personal issue in front of all of them.

It is not true, as Gloria affirmed in her *memoriale*, that I was in a hurry to marry within the year because of my age; I never set a deadline for when we had to get married.

As I said, the period of wedding preparations was difficult because we often conflicted on so many points. With respect to the reception venue, Gloria thought it absolutely had to be held at....whereas I had proposed the rooftop venue...because of its beautiful view. But in the end I had to give in, and I accepted to hold the reception at... Among other things, we went for cocktails various times to... to involve our families, and one evening in particular we also invited a couple who were friends of my father, who lived across the street from...

I would like to point out that it is absolutely not true that my mother proposed her own preferences either for the restaurant or for the church, as Gloria describes. I don't know why Gloria would want to call my mother out when she absolutely did not interfere. It is true that my mother desired to become a grandmother, but it is a desire that so many moms have when their son is about to get married. This absolutely did not cause any interference.

Since I am a tour guide, I took Gloria to visit different Churches...I would like to point out that I had about 34 guests, while Gloria had around 120. I found this out at the last minute, because during the preparations Gloria had only told me that among her guests there were some friends of her father. I did not imagine that she would have so many.

There were also problems regarding the automobile. We agreed on a white Beetle convertible, which by the way was not easy to find. The day of the wedding, though, Gloria showed up with a different car, a classic Rolls Royce, without having told me anything about the change. After the ceremony, I asked her for an explanation and Gloria told me that her father wanted things that way and that she had agreed.

Another instance was when we did the marriage-preparation course at the end of June 2014. In fact, because there were no courses at the parish at that time, I spoke with the pastor and he directed me to a group called "little family love". We started to attend the meetings, but Gloria was only present at the first two because she said she had to leave with her father for Sardinia. So, I participated at one more meeting by myself and then I also stopped attending because I had a hard time explaining this to the priest. I was not in agreement about this decision, but she told me that her father had asked her to go and that this was her only chance to take a vacation. So, in the end, I consented.

In September of 2014 we had a big fight. I remember that I was on the street waiting for a group, and Gloria called me, saying that we absolutely needed to decide on the place-settings for the tables. I told her that I couldn't because I was working. She got so angry and told me that maybe it would be better to just forget all about the preparations. I was the one who called Gloria back, encouraging her and saying that we would be able to overcome this small difficulty. I must admit that when Gloria told me to meet her at....to take care of the organization, when I arrived her father and his partner were already there and had arranged everything. I then understood that my presence was only needed so that I could adhere to what had already been decided.

Another topic that we argued about was putting together the prayer booklet. Gloria wanted to have both Italian and German. Both of our mothers are German. I studied German until I attained the maximum level of competency, while Gloria does not know it as well as I do. We argued over this because Gloria protested the translation of the prayers

that I did from Italian into German. Essentially, even when Gloria was wrong, she always wanted to have the last word.

Also with regard to our choice of a home, I must say that we only spoke in very general terms. Gloria still needed to finish her specialization, and she did not know where she would eventually find work. Just to get an idea, I began to look for houses around the area where I lived because it was easier for me to go to that neighborhood after I had finished work. We looked at three/four apartments. Gloria also made me go look at an apartment near where her mother lived, but since it had always been rented to students, it needed to be remodeled. At that point, Gloria asked me if we could live at her mother's for at least three/four months, which was the time she needed for her specialization. The strange thing is that Gloria told me that it would be better if I was the one to talk with her mother and to inform her of our decision.

I must admit that I was very much in love with Gloria, and that precisely for this reason I always sought to agree with whatever she would suggest. This was also the case with respect to our honeymoon. Since I am a tour guide and am in contact with many agencies, it would have been easy for me to organize a trip like we wanted in very little time. But Gloria told me that she wanted to organize the trip personally, and she actually did that on her own while she was on vacation in Sardinia with her father and I was in Rome. Gloria knew what I liked and she knew that I really love the mountains, but not the sea. In spite of that, she organized a trip to Miami and the Bahamas.

8. As the wedding approached, my intention was to get married, even though I was somewhat agitated on account of these various unpleasant episodes of disagreement between Gloria and myself. One thing that I would like to highlight is that I felt like I was just another person in Gloria's eyes, in the sense that I saw that her life was already very organized and full and I was just present for all of the things that she already had. I had noticed that Gloria, as an only child, had been very spoiled, and she was used to always being the center of attention. However, I didn't pay much attention to this because I was convinced that, with marriage, we would overcome all of these negative behaviors.

With regards to Gloria, I wouldn't know whether she had any doubts about our union. What I can say, based on how our married life unfolded, is that maybe Gloria got married just because she needed to in order to feel that she was socially accepted.

9. Gloria had gone to school at... So I always just took it for granted that she would be aware of the Catholic doctrine on marriage: singular, indissoluble, and open to life. I must admit, though, that Gloria had told me at least a few times that she felt like it would be normal for two people to separate if they no longer got along, and that she would have done it. I didn't dig into this much because I didn't take her statement very seriously. Actually, I justified Gloria because her parents were separated and her father was remarried. Also with regards to children, I realized that Gloria had always been positive about children and she had expressed a desire to have them in our marriage, even though she told me that she had worked in the obstetrics ward of the hospital and she had been shocked by birth.

To the question posed by the Petitioner's advocate, I answer that more than once Gloria questioned her will to get married. Once, this occurred when I was unavailable to decide on the place settings. The other time – I can't remember the precise moment – she told me that it would be better for us not to get married.

To the question posed by the Respondent's advocate, I answer that apparently it seemed to me that Gloria was in love with me. With regards to whether we had made plans for our future life, I can affirm that everything was conditioned on her finishing her specialization, in the sense that Gloria pushed every decision about our family life back until after she would have obtained her specialization. Moreover, I would like to add that, on

more than one occasion, Gloria told me that she looked at marriage like a test to see whether things would go well. I must admit that over time she began showing an increasingly unstable character, because initially she was very enthusiastic about the wedding arrangements, but then she started mentioning second thoughts.

To the question of the Petitioner's advocate, I answer that, with regard to our plans for marriage, Gloria not only put off the decision regarding the house until she finished her specialization, but also the issue of procreation.

To the question of the Auditor, who asked me why our marriage was not postponed until after Gloria obtained her specialization in order to better plan for our married life, I answer that we had picked out that date and I am not able to think of any other logical explanations. I would like to point out that no one forced us to marry, but that it was our decision.

To the question of the Auditor, I would like to point out that all of the circumstances that occurred during our preparations made me think that perhaps Gloria was still too immature to be getting married, and the thought passed through my mind that she was not the love of my life, also because in the final weeks before the wedding she had begun to act more distant towards me. However, no action followed after this thought of mine because I didn't want to see it and I wasn't capable of seeing anything else.

To the question of the Respondent's advocate, I answer that after the wedding I agreed to live at Gloria's mother's house because she had asked me simply and it seemed to me like it would be unfair to tell her no. Moreover, I had also thought about the fact that I work all day and that I would only be home in the evening, and besides, that our stay in her mother's house would only be for the limited time of a few months, and so I could handle that.

The wedding was celebrated on November 3, 2014, in Rome, at the Church of (*omissis*). In the morning I had to wait around 45 minutes for Gloria to arrive with her father. I was worried because I thought maybe something unpleasant had happened. It was only the following year that Gloria told me that she was late because she was very hesitant about whether to go to the church, and that her father had told her that she didn't have to go if she didn't want to. During the reception, Gloria told me that I should be behaving differently than I was towards the guests. Moreover, when all of the guests left the venue at 6:00 pm, her father and his second wife stayed there with us until 9:00, even though I was trying to make Gloria understand that it was late and that her father should leave us alone.

We spent two nights at...because our honeymoon, which was scheduled for the evening of November 3, was changed at the last minute by Gloria, with the excuse that she needed to gather documents for her specialization. Gloria told me this around October 31/November 1. It was only later that I understood that Gloria had changed the date to November 8, the day of her father's birthday, so before we left her father met us at the airport and we celebrated with champagne.

The marriage was consummated with relations that were contracepted by means of *coitus interruptus*, which Gloria wanted. She said that we should have a little fun before thinking about children. We spent two nights at...because the second evening Gloria and her father had organized a dinner with their family friend.

With regards to my mother, after the reception, she was taken home by my dear friend and best man, Marco. It is true that the next morning we went to take a half-hour walk with my mom down via Cola di Rienzo.

The honeymoon did not go well. We immediately argued about something futile. I remember that I was complaining because we were always walking around looking in stores, and when I said something Gloria got offended. We got in an argument that ruined the entire trip. Another argument happened when we were coming back, because as soon as we got home Gloria wanted to organize a dinner with her father and I told her that she

could do it without me. This seemed like a normal choice to me, but Gloria insisted that I had to go too.

During the honeymoon, Gloria and her father talked on the phone at least three times a day, and they would talk for at least 20 minutes. I pointed out that maybe this was excessive, but Gloria didn't offer me any explanations. Then I calmed down because I thought about my own father; he was also very apprehensive whenever I would travel or was far from home, and I would usually keep in touch.

It is not true that my mother called me continually during the trip. There was one instance when she had problems with the hot-water heater. This problem was resolved in very little time because I contacted the neighbor and he was able to help my mother.

In reality, Gloria would give me rules that I was supposed to follow, whereas I saw that she wasn't bound by any rules. It is true what she said about when we were in a store in Nassau. Because Gloria became very unpleasant when she would impose on me, I did vindicate myself with the stupid response of "but we are not a family." I told her this because Gloria was telling me that I needed to act a certain way because we were a family, and I nervously responded to her like that.

11/14. Our married life formally lasted a year and a half. As I said, we initially went to live at Gloria's mother's house. Our interpersonal relationship instantly went poorly. Every day, I would go to work while Gloria, after doing her internship for two hours at the St. Andrea Hospital, was supposed to study. Gloria's mom would prepare lunch and would take care of the house. I didn't also want to make her mom do my laundry, so I would take the clothes that needed to be washed over to my mom's. I realized that Gloria did not study during all her free time. For all the time that I was with her, she never began her specialization. I don't remember whether she took the exam once and didn't pass. Unfortunately, there were often fights because Gloria had scheduled her day according to a rhythm that I didn't share, in the sense that once I came home from work, she wanted to go out to eat or to have drinks. In reality, I learned that the way Gloria organized her days was very different from how I did. Gloria all of the moments that she spent with me to be moments of leisure. At a certain point, Gloria expressed regret about having married me in front of her mom, because she said that I was not the right man for her. She also did this in front of one of her aunts, using bad words. By January of 2015 Gloria had already become very irritable towards me: she would scold me for how I dressed, for how I behaved at the table; when we would go to dinner with her father she would tell me that I wasn't presentable and that I couldn't go with them.

Our intimate life was almost non-existent because we would argue all day and didn't desire to be together in the evening. Moreover, we didn't have privacy; we slept in Gloria's childhood bedroom, which was right next to her mom's room.

I don't know why Gloria always brings up my mother. I had my own ideas, which were the opposite of hers. That's what we fought about. Not because I would ask my mom for advice. In the summer of 2015, we spent two weeks on vacation in Sardinia, but her dad didn't want to give us the house, so we spent the time in a hotel. Once I left, Gloria went to stay at her father's house. During that period I started talking to Gloria about sealing the deal on our decision about a house. In our various conversations, Gloria told me that the house where her mother lived was in Gloria's name and then if she left, her father would kick her mother out. This was what Gloria told me, but I am not able to specify the technical reasons that formed the basis of this statement.

In September of 2015, when I began to insist that we find our own house, Gloria got angry and told me that she would ask for a divorce. Then November came and I decided to gift Gloria a trip, so we left for a week in Andalucia. In my mind, this was supposed to be an opportunity for us to talk together peacefully. I remember that as soon as we got off the

plane, Gloria got a call from her father with an offer to spend New Year's in New York. I must say that Gloria and I had already agreed to spend our holidays at Bressanone, where I have a vacation home. I came to understand that whenever I would organize something for Gloria, her father would soon after follow up with his own offer. This also happened when, at the end of February 2016, we found an apartment on viale dell'Umanesimo and the following day he gave Gloria a car.

Gloria told me that we should spend Christmas 2015 with her family. We had a big fight because I did not want to, so I left for Bressanone while Gloria stayed in Rome, making me feel bad for having abandoned her. The year prior, which had been our first Christmas, Gloria wanted to spend Christmas in Rome with her family. Then, at the last minute, she decided she wanted to go to Vienna alone because her father was waiting for her there, and especially because New Year's Day is my mother's birthday and she didn't want to spend the day with my mother and I. On that occasion, we met in Innsbruck on January 3, and then we went to Monaco. I believe that after that we went to Bressanone, where my mother was. Then we argued more, because Gloria did not want to stay in the same house as my mother.

To the question of the Respondent's advocate, who asked me for clarification regarding the affirmations made by the Respondent in her *memoriale*, I affirm that during the winter of 2014, while staying at the house in Bressanone, it is true that we did not have queen beds and that we needed to push two twin beds together. My mother had only reminded us to be careful moving them, because we had wood floors and she wanted to make sure they didn't get scratched. In any event, we were able to push the beds together and sleep in the same bed.

It is not true that when my mother would organize dinners with her friends that she would send me a text message telling me to show up alone, "without her," written in German.

Having spent Christmas apart, after January of 2016 we saw each other again in February, when I came back to my mother's house. I took the initiative of contacting Gloria and I suggested that we find a house to live in together. After looking at various houses, the only one that was acceptable to Gloria was the one on viale dell'Umanesimo, even though I had told her that it was complicated for me, since I worked in the city center. When it came time to sign the contract, Gloria didn't show up because she had gone to a birthday party for her father's second wife, and I signed the contract alone. Over the following days, I would pass by Gloria's house to figure out the furniture with her, but Gloria would always say she was busy, so I took care of it myself. When in the end Gloria came to the house for a dinner I had organized with friends, she got mad because the queen-size bed wasn't there. We had a big fight and, from that time on, we separated. From that point on, the only thing we agreed on was the separation.

To the question of the Auditor, I can specify that our intimate life in the marriage was always carried out with *coitus interruptus*, by will of Gloria. There was never a pregnancy. During our brief married life we did not speak any more about children. We didn't talk about anything because there were too many arguments.

To the question of the Respondent's advocate, I answer that, if I remember correctly, our intimate life ceased completely in the fall of 2015.

I would like to reiterate that, immediately following the wedding, Gloria expressed her will to configure our life according to her "ten commandments," in the sense that I needed to adhere to her choices, which were mostly directed towards how we needed to always spend our summer vacation in Sardinia with her father and how we needed to spend our winter vacations with her father and her family. These impositions from Gloria were always carried out by blackmail, in the sense that if I didn't accept she would have asked

for a divorce. More than anything, I had already agreed to live in her mom's house and I had renounced the idea of getting our own apartment.

To the Auditor's question, who asked me whether Gloria or I have ever had psychological problems, I answer that, on my part, I have always been a tranquil person. The only difficulty was my father's death. Like all grief, I worked through it, because I was thirty-six years old.

With respect to Gloria, by knowing her, I can say that her parents did not give her the opportunity to grow up and become independent. Her parents always held her back from taking responsibility. Moreover, because her parents were separated, I saw that she was also the object of her parents' battle for affection.

To the question posed by the Respondent's advocate, I answer that I always tried to get advice in order to overcome the serious marital crisis that we were going through, and I also tried to involve Gloria, but she never wanted to share those moments with me. I spoke with my pastor, Fr. Francesco, who told me that he didn't think there was anything to be done. I also spoke with the priest who celebrated our wedding, Rev. Prof. ..., Professor at ..., who is the director of an association of Christian archeology, and he, too, told me that there was no way to resolve our problems. Finally, I spoke with a psychologist, Dr. I met with him and he told me that I had made a mistake because Gloria and I are two completely different people.

I would like to point out that the witness Marco, cited to appear on July 7 at 8:45, will not be able to testify on that date for work reasons, so I would like to ask for another date for him.

15. Currently, I live in Rome. I am living with a woman whom I intend to marry.

With regards to Gloria, I don't know anything about her and I don't consider her to be a reliable person.

I have read the *memoriale* presented by the Respondent and have expressed my observations in my deposition. With regard to the procedural position that Gloria has expressed, I consider it to be her vision of her own experience of the reality of our marriage.

Questions for the Witnesses

1. Generalities, oath. Religious practice.
2. What is your relationship to the parties? Do you know why the Petitioner considers his marriage to be invalid?
3. Do you know when, where, and how the parties met? What was the nature of their initial relationship? How old were they, and what type of work or studies were they involved in at the time?
4. Please describe the characters of the parties. Were they well-matched, or did they diverge?
5. When did they begin dating? How long did they date? How was their courtship?
6. Do you know whether there was prenuptial intimacy?
7. When and who, in particular, began speaking about the concrete possibility of marriage?
8. Who took care of the arrangements? As the wedding approached, did the parties have any doubts or hesitations about the success of their conjugal union? What were the reasons for these doubts?

9. Do you know whether the parties were aware of and accepted the Catholic doctrine on marriage and its essential properties and ends? When they married, did the parties place any explicit reservations on their consent? In particular, when marrying, how did the parties understand the indissolubility of the bond and the procreation of children? What were the reasons for their positions?

10. Were you told anything about the consummation of the marriage?

11. Where did the parties establish their conjugal life? For how long? How was it? Were there any separations during the common life?

12. Were you ever informed about the intimate life of the parties? Did conjugal intimacy regularly occur? Were they open to children, or did they use contraception? Do you know whether they ever conceived?

13. When, why, and on whose initiative did they separate? What type of separation do they have? Where and with whom do they currently live? Do they have plans to remarry?

14. Do you consider the parties to be honest, religious, and credible?

15. *Perlecta depositione*, is there anything else you would like to add, correct, or delete?
Oath *de veritate dicta ac de secreto servando*.

SESSION III

1. Mr. Andrea (*omissis*)

2. I am a friend of Stefano, whom I have known for around 35 years. I met Gloria when Stefano was dating her, but I only saw her a few times before their marriage.

Stefano told me that he believes his marriage is invalid because Gloria did not consider marriage to be indissoluble.

(...)

3. I don't know when Stefano met Gloria. I can't even remember the year. At a certain point, Stefano introduced me to Gloria and told me that he had begun a relationship with her. I do not know whether their premarital relationship lasted around a few years. I was able to meet up with them maybe a couple of times and, seeing them together, they appeared to be a normal couple. Of course, Stefano was in love with Gloria and he wanted to start a life with her.

I believe that the decision to marry was the fruit of mutual agreement. I would not know how the preparations were carried out, or whether there was any annoyance between them. At that time, Stefano was already working as a tour guide, and Gloria had studied medicine and was preparing for her specialization. I do not believe there were doubts or hesitations on Stefano's part regarding the decision to marry. He appeared to be convinced and determined. I only know that, because Gloria didn't yet know where her specialization would be, they decided that they would live with her mom after the wedding.

4. As far as character, Stefano has always been altruistic, extroverted, and decisive. I would like to add that he has always followed the rules; on the one hand, that is a good thing, but on the other hand it did cause a certain level of rigidity.

To the question posed by the Respondent's advocate, who asked me what type of relationship Stefano had with his mom, I answer that in my opinion he had a normal relationship with her. Of course, his father's death was a very significant moment in his life and, consequently, he did assume a greater sense of responsibility when it came to his mom, who was then a widow. I would like to add that Stefano appeared to be autonomous in his life decisions.

To the question posed by the Petitioner's advocate, who asked me about Gloria's relationships with her family members, according to what Stefano told me, I know that Gloria's dad was a very important figure in his daughter's life. Stefano told me that he was a very dominant person and that, in a certain sense, he would condition his daughter's decisions.

5. (...)

6. After the wedding, Stefano and Gloria went to live in her mom's house. I met up with them perhaps a couple of times during their married life, which lasted around two years. I can say that there were problems between Stefano and Gloria, based on differences in how to structure their life together. I know that Stefano's mom did not interfere at all in her son's life, whereas Stefano told me that Gloria's father continued to be an important figure after the wedding, which in a certain sense destabilized the couple.

On Stefano's part I know that he wanted to have children, but I wouldn't know whether they simply didn't arrive or whether they were not wanted.

Stefano tried everything to advance their married life. However, I am unaware of the reason why they separated.

To the question posed by the Respondent's advocate, I answer that I was never told by Stefano about the reasons that led him and Gloria to separate.

SESSION IV

1. Mr. Silvio (*Omissis*)

2. I have known Stefano for around twenty-five years. We met when I was involved with the Scouts and he was my leader. After many years of Scouts, during which time Stefano was also a very important figure in my life, we kept in touch.

Stefano has always been studious. In fact, he has a degree in literature and political science, and has also obtained certification as a tour guide. For a time, he worked as an archivist. However, since he is a very dynamic and curious person, he ultimately decided to become a tour guide.

Prior to meeting Gloria, I know that Stefano did have other romantic relationships, but none as significant as his relationship with Gloria.

I never met Gloria's family; I only saw them at the wedding. I know that Gloria is also an only child and that her parents are separated. She lived with her mom. Her father is a doctor and based on what Stefano told me he was very present in his daughter's life. In general, Stefano told me that Gloria was a little spoiled, like all children of separated parents. Over time, Stefano realized that Gloria was not very stable in her decisions and she would often change her opinion. These changes were due to input that she received, especially from her father.

When Stefano met Gloria, she had just finished her studies in medicine and was deciding on her specialization.

3. Stefano met Gloria around a year and a half prior to the wedding, at Stefano was rather determined that he wanted to start a family with Gloria. He always believed in that and always put forth every effort to make this desire a reality. During their courtship, I know that there were difficulties. In Stefano's opinion, these were due to the way in which Gloria, who was often moody, did things. However, I believe that there were no difficulties that prevented Stefano from deciding to marry.

4/7. (*omissis*)

Unfortunately, I do not know Gloria well enough to be able to describe her personality.

To the question posed by the Respondent's advocate, who asked me what type of interpersonal relationship Stefano had with his mom, especially with respect to his dad's death, I answer that, as far as I know, it was a normal mother-son relationship.

8. As far as I know, Stefano was convinced that Gloria was the love of his life. At least, he never confided in me about any doubts on either part. During the preparations, I know that Stefano agreed to take their honeymoon in America like Gloria wanted, since I knew that Stefano had no interest in visiting that country.

To the Auditor's question, who asked me about Gloria's religious practice, considering that Stefano has always been a practicing believer, having been involved with the Scouts for so many years, I answer that I never spoke directly about this topic with Stefano, but I have deduced that Gloria did not share his same level of religious practice, since I would see Stefano come to Mass alone.

To the question posed by the Petitioner's advocate, who asked me to specify what type of interpersonal difficulties Stefano had with Gloria because of her moody character, I answer that sometimes Stefano confided in me that his relationship with Gloria was unsatisfying with regard to the day-to-day, in the sense that Gloria would appear dissatisfied. Then when Stefano would organize weekends away or small trips, or when he would give her gifts, their relationship was serene and Gloria would seem satisfied.

To the question posed by the Respondent's advocate, I answer that Stefano never confided in me anything regarding his plans or his intentions with regard to his married life with Gloria, nor did they talk about it among themselves.

9/12. The conjugal domicile was established at Gloria's mom's house, because in the meantime Stefano and Gloria had decided to look for a suitable apartment for rent. After a few months, I know that Stefano found an apartment in the Eur, close to Gloria's mom's house. I must say that even though Stefano was far from his workplace near the Vatican, he tried to accommodate Gloria's demand to be close to her mother. However, Gloria refused to move into that house, giving justifications for her decision such as that the apartment and furnishings were not her taste. In the end, Stefano separated because Gloria wanted to continue living in her mom's house and there was no possibility of them building a life together, with children.

I would like to add that Stefano told me that, during the married life, he had various fights with Gloria, and that she was aggressive towards him.

To the question posed by the Petitioner's advocate, I answer that, as far as I know, Gloria never began her specialization after graduating. Stefano told me that he did not consider Gloria to be very committed; that she was a spoiled girl who didn't set goals for herself, either at the professional or at the family level, in the sense that she would not commit to doing what she could to start a family with children. I must say that at the beginning of the marriage Gloria wasn't working. Then, with the passage of time, if I remember correctly, she found a job. Essentially, Stefano told me that after marriage he saw Gloria study very little; moreover, with regard to the ordinary organization of the home, he told me that he would take his laundry to his mother's to be washed.

I do not believe that there were any pregnancies. Stefano clearly told me that Gloria did not want to have children and he did. Stefano confided this to me during the married life. However, Stefano did not tell me for what reason Gloria did not want children.

I would like to point out that Stefano has always been someone who loves to travel and he has always taken very long trips to far-away places, both prior to his father's death and still to this day. He would typically travel with a group of friends, and during the marriage he would obviously go with Gloria.

I was asked whether Stefano's mom was a balanced person, or whether she was invasive with respect to her son's life. I answer that, as far as I know, she appeared to behave in a normal way.

I don't remember what time the wedding reception ended. I don't know whether Stefano and Gloria attended a premarital course.

To the question of the Auditor, who asked me whether I am aware of any episodes during the married life regarding the interference of their respective parents in the life of the spouses, I answer that Stefano told me that during the 2015 Christmas vacation, Gloria was invited by her father to spend the holidays with him and, dominated by her father, Gloria left Stefano to go spend Christmas with her father.

I do not believe that Stefano has ever had difficulties or problems of a psychological origin.

SESSION 5

1. Mrs. Lucia (*omissis*)

2. I have known Stefano for many years because I attended the Scout group at the parish of...; he was the leader of our group. We developed a friendship, which has intensified over these last eight years especially.

I met Gloria but saw her only a few times before their marriage.

I have not had the opportunity to meet Stefano's parents, but from his stories I know that they were a united family.

Stefano dedicated himself to classical studies. I know that he graduated in literature and political science; he worked for a time as an archivist, and he currently works as a tour guide.

To the question of the Auditor, I would like to specify that Stefano has always been a practicing Catholic. To the best of my knowledge, Gloria did not receive the same formation as Stefano.

3. Stefano, if I remember correctly, met Gloria about a year before the wedding. Stefano always appeared to be in love with Gloria and determined to start a family with her. With regards to Gloria, on the other hand, I must say that on the few occasions that I was able to meet her, it was hard for me to understand her because she appeared to me to be a rather closed-off person.

4/9. As a premise, I will mention that Stefano is very good friends with my husband, and so he has indirectly become one of my good friends as well.

As for his character, Stefano is extroverted; he has clear ideas about what he wants to accomplish in life; he strongly believes in the value of the family, both of his family of origin and of the family that he would have liked to start with Gloria. He is a person who has always believed in what he was doing. In fact, he dedicated himself in a positive way to helping others with character-building. I say this because I knew him as Head Scout, and he also had role for my brothers, who really considered him to be a role model. I would like to add that he is a sensitive person when it comes to others, and he appears to care about his friends. I can say that I consider him to be a mature person.

I knew Gloria really very little, and the impression that I got of her was that she is a very introverted person.

To the Auditor's question, I answer that Stefano confided in my husband about his interpersonal relationship with Gloria during their courtship, in the sense that Stefano had mentioned that Gloria was a little spoiled, in the sense that her separated parents tried to contend for the affection of their daughter.

To the question posed by the Respondent's advocate, who asked me what type of relationship Stefano had with his parents, and particularly how he related to his mom after his father's death, I answer that, of course, the loss of his father was a very painful moment that marked both Stefano and his mother; however, it united them even more in a traditional family relationship with regard to their reciprocal affection.

To the question of the Petitioner's advocate, I answer that I do not remember exactly when Stefano's father died. Perhaps ten years ago.

Based on what my husband told me, I know that Gloria's dad is a very predominant figure in her life, in the sense that he sought to direct how Stefano acted toward Gloria so that she wouldn't feel any difference between the life she had lived in her family up to that point. I say this because one time Stefano told me that Gloria's father told him that his daughter was used to going on trips and having a certain way of life, and that Stefano would need to guarantee her the same lifestyle that she had had with her father up to that point.

Stefano, as a practicing Catholic, was aware of the doctrine on sacramental marriage and I am sure that he accepted it and wanted to establish a true family with children.

On the other hand, I am not able to speak to Gloria's intentions shortly before marriage. After the wedding, Stefano told me that Gloria did not want to have children immediately, but that she wanted to wait. She wouldn't give a deadline, in the sense that at first she said she was waiting for the specialization, and then she said she was waiting to find a job.

With regard to the wedding preparations, I know that Stefano gave Gloria a lot of freedom to plan it how she wanted. I must say that Stefano, who was in love, was happy to see Gloria plan the wedding to be how she wanted.

I believe they did do a marriage preparation course at the parish.

11. After the wedding, I must say that Stefano and Gloria did not establish a conjugal domicile, in the sense that they started out living in Gloria's mom's house. From what I understand, every so often they would go to Stefano's mom's house. In reality, Stefano started trying to find a home for rent, also because they had the means for it, but he told me that none of the options he presented to Gloria was ever the right one. In the end, Stefano found an apartment in the Eur area, but Gloria refused to go live there.

The principal problems that emerged immediately after the wedding and then led to the separation were the house and children.

Stefano and Gloria were not able to agree on finding a home to establish their conjugal domicile. Consequently, as I said, Gloria refused to be open to the birth of children.

From that which Stefano confided in me, I only know that they primarily lived in Gloria's mom's house, and then sometimes they also slept at Stefano's mom's house.

To the question posed by the Petitioner's advocate, I answer that I remember that the bride was late to the wedding but it was not an exaggerated delay.

I would like to add, as I was asked, that Stefano has always taken long trips and he continues to do so.

I do not believe that during the marriage Stefano noticed that Gloria was not applying herself to her studies or to her attempts to achieve her specialization. I must admit that I am unaware of whether Gloria eventually began or concluded her specialization, nor do I know whether she ever worked during the marriage.

14. Currently, Stefano lives alone and is seeing a girl. With regard to Gloria, I have not heard anything about how she is living.

15. I consider Stefano to be a certainly credible and honest person.

Questions for the Respondent

1. Generalities, oath, profession. Religious practice.
2. When, where, and how did you meet the Petitioner? How old were you both at that time? What types of activities (work and/or study) were you each engaged in during that period?
3. What was the nature of your initial relationship? When did you move from being acquaintances to dating? How long was your courtship? How did it unfold?
4. Was there prenuptial intimacy in your courtship?
5. Please describe your character and your education. And the character and education of the Respondent? Were you in agreement, or did you have points of disagreement?
6. When, why, and on whose initiative did you make the decision to marry?
7. Who saw to the preparations? As the wedding approached, were there any doubts or uncertainties about your future conjugal bond?
8. Were you both aware of the Catholic doctrine on marriage, and its properties and ends? Did you accept it? If not, why? In particular, what was your understanding of the indissolubility of the bond and the procreation of children at the time of the wedding?
10. What circumstances or convictions led you to exclude the indissolubility of the bond and children? Did you speak to the Petitioner about this?
17. Was the marriage consummated? Was it open to children? If not, why?
18. Where did you establish your common life? Was it peaceful and calm? If not, why? When and why did your first conflicts arise?
19. Did your intimate life unfold normally? Was it open to life? If not, who was using contraception? Did you ever conceive? Did either spouse ever request to have a child?
20. How long did your common life last? Who initiated the *de facto* separation? Why?
21. Where and with whom do each of you live? Do either of you intend to remarry?
22. Having read your deposition, do you confirm it? Is there anything further you would like to declare, modify, or delete?

Oath *de veritate dicta ac de secreto servando*.

SESSION 6

Judicial Deposition of Ms. **Gloria**, Respondent

1. Ms. Gloria (*omissis*)

2. I met Stefano on November 4, 2012, at.... It was on the occasion of the conferral of an award, and since my mother was a member of the congregation, she invited me to attend. There, I met Stefano and his mom, since they, too, were members of

At the time, I was 30 years old and I was completing my degree, which I obtained on March 31, 2013. Stefano was 39 years old; he had already obtained two degrees and he was working as a tour guide in Rome and the surrounding area.

My family of origin was and still is comprised of myself, an only child, and my parents. My father is a retired orthopedist, and my mother, now also retired, worked at the German Embassy. My upbringing was Catholic, and I went to school at the all the way through high school, subsequent to which I studied medicine.

I have always had an excellent relationship with my father. I must say that the fact that we share the same profession has always bonded us, since I have always had him as a point of reference that I could count on, especially at the beginning. In 2014 I was hired at After that, I also took the exam for entrance into the specialization; I have re-attempted that exam every year, to date. I have a close relationship with my mother, which also includes arguments.

Around the year 2000, my parents separated. I stayed with my mom, and in 2014 my father remarried Beatrice, with whom I have a good relationship.

Stefano's family was comprised of himself and his mom; when I met Stefano, his father had already died. My mother had met Stefano's father in the confraternity. Stefano received a Catholic upbringing. His mom, who is German, lived for many years in East Germany; she converted to Catholicism, as to my knowledge she was originally Protestant.

I would define Stefano's relationship with his mom as anomalous, in the sense that his mom managed her son's entire life. Over time, after experiencing so many of these episodes, I realized that the mom had basically assigned her son the husband role. For example, it comes to mind that the mom would impose on Stefano how to manage his money. Among other things, I realized that money was very important in her life; she would boast about her substantial bank account. I still remember that the first time she met my father she asked him how she should invest her 500,000 euros, which she had actually already invested. She would oblige Stefano not to spend more than 7 euros a day on lunch. Over time, I realized that she interfered not only in her son's life, but also in our life as a couple. Even when we were dating, if we would organize a trip outside Rome, the mom would invariably call her son to tell him that she needed him home for some futile reason, which could be that she didn't have any money, or that she needed to buy food, or that she was feeling a little under the weather. Obviously, these phone calls would interrupt our ability to peacefully enjoy the day we had planned.

3. In my case, my relationship with Stefano was my first relationship. For Stefano, he told me that he had had a few relationships, but he never explained more than that.

Initially, Stefano and I were just acquaintances. At that time, I was very focused on finishing my final exams and thesis. We met up a few times to eat, and we would talk on the phone occasionally. After I graduated on July 13, 2013, we began a romantic relationship. In the fall we even organized a dinner at (*omissis*) to introduce one another to our respective families. That was the occasion that our courtship became official. I must say that, in the beginning, Stefano's mom appeared very happy to have met me; actually, she publicly stated that I was the female child that she never had. Stefano later told me that, from the first moment he met me, he thought that I would become his wife. Among other things, at one of these dinners before the wedding Stefano's mom expressed her desire to become a grandmother as soon as possible. Obviously, it would have to be after marriage. She already had in mind that she would retire to take care of her future grandchild. Stefano's mom was very insistent about this topic. In fact, she would state that she desired to have a grandchild so much because she needed an heir to her inheritance; otherwise, she said, she would leave all of her goods to Caritas.

Prior to marriage, we did not have intimate relations or live together, in accordance with Stefano's wishes. I must say that I might have liked to live together to see how our relationship would work out, but I didn't raise any objections and I respected Stefano's wishes. I must say that Stefano's mom was absolutely against his son having pre-nuptial sexual relations, and also the possibility of cohabitation. In fact, prior to the wedding, they invited me to Monaco and we stayed in a hotel, where I slept in a single room while Stefano slept in a room with his mom. The same thing happened when they invited me to their house in Bressanone: we slept in separate rooms, and Stefano slept in the room with his

mom. Even when I invited Stefano to Sardinia to my family home, we slept in separate rooms.

Our courtship lasted around a year, and I must say that it was a positive period, even if Stefano did begin talking about marriage immediately. I was obviously happy, even though I knew that I would need to complete my specialization and then find a job. In August of 2014, I was hired by The wedding date was changed 2-3 times due to the fact that I wanted to take the specialization exam, because the national public exam had been deferred.

As I said, our courtship was serene, in the sense that, maybe because I was in love I didn't pay much attention to certain aspects that stuck around and became amplified during our married life. One aspect that I had already observed during our courtship, but which I was sure would change with married life, was the way in which Stefano and his mom spent their Christmas and summer vacations. They would spend Christmas vacation in Bressanone until the first of the year. The first Christmas we were dating they invited me to spend New Year's with them, also because January 1st is Stefano's mom's birthday. During the summer, once the work season was finished, Stefano would go on vacation with his mom, usually to Trieste, then to Monaco, then to Bressanone where they had their house. Stefano would spend a large portion of his vacation with his mom, and then in September he would bring his mom back to Rome. This process was maintained even after we were married.

5. As for character, at the time I was a timid, introverted girl. Fundamentally, I was focused on my studies and I had little social life, as is often the case with medical students. I had few, but good friends. I must admit that I have always desired to have a family; it was, and is my life-long dream. I wanted a traditional family, with children, and with the involvement of both families of origin. In love and respect. I would have also partially sacrificed my profession in order to make this happen.

Stefano, of course, presented himself as a social guy. Even though sometimes I perceived some argumentative traits, in the beginning I didn't pay much attention to them because I saw everything in a positive light. Of course, at that time he was also very attached to his mom. I noticed his bond with his mom before we were married, but I thought it was normal because Stefano was an only child and his mom was a widow who also had very few friends. I never imagined that after the wedding Stefano would be unable to set boundaries to his commitment to his mom.

When I met Stefano, as I said, he was already 39 and he was already fully developed as a person. I don't know whether in the years prior he suffered from psychological problems. What I can say is that Stefano did suffer, in that his parents were unable to be very present during his childhood and youth. Stefano told me that his mom worked a lot as a tour guide, and that he was often left with the neighbor. Furthermore, he told me that his mom and dad did not have a good relationship. Often his dad would try not to spend much time at home and would spend his time after work away from the home or at the sports association. From these small facts, I came to understand that Stefano did suffer during his childhood from a lack of affection.

6. Stefano proposed marriage to me in the fall of 2013, in front of the Trevi Fountain.

I was a little upset because Stefano didn't give me a true engagement ring; he gave me a simple gold band that belonged to his family. After a year of marriage, however, he gave me a ring because I let him know about this desire of mine.

7. With regard to the wedding preparations, I would like to note that there were a great deal of difficulties. In reality, our differing visions of daily life emerged while planning the wedding.

As I said, there were so many things that we argued about while planning the wedding. Essentially, I was very disappointed because I would have wanted Stefano to take part in all of the preparations with me, and he basically lost interest.

With regard to the marriage preparation course, I would like to point out that I don't remember the situation Stefano mentioned about how I supposedly sacrificed the meetings in order to go on vacation with my father in Sardinia. What I can say is that during the meetings Stefano was totally absent; he spent the entire time on his phone, acting bored. It is true that I, too, was about at my limit, and maybe I did even threaten Stefano that I would give up on all the planning because I was just so tired.

We also had problems with the honeymoon. It is true that Stefano loves the mountains, and I would have liked to visit some cities as well. Ultimately, considering all of the limitations that came along with the time of year that we married, we reached an agreement and decided on Miami and the Bahamas.

With regard to the choice of our conjugal domicile, I must admit that we didn't talk about it much. There was always going to be the problem of where I would end up for my specialization. My father suggested that we live in a student residence in an area that was convenient for us both. However, we never put that advice into practice, and we ended up getting married without having found anywhere to live. Ultimately, the conversation was put on hold. In fact, we spent three nights in a hotel before leaving on our honeymoon. It is true that I did postpone the honeymoon by a few days because I needed to gather the documents required for the specialization, and it is also true that we had a champagne toast for my father's birthday before we left. My father met us at the airport because my suitcase had broken, and he brought me a new one. It is absolutely untrue that I postponed the trip in order to celebrate my father's birthday.

As for me, I never had doubts or hesitations about our future marriage. As for Stefano, he never told me that he had doubts; on the contrary, he appeared happy to be getting married.

8-9. I was aware of the Catholic doctrine on marriage: singular, indissoluble, and open to children. I must admit that I accepted this doctrine, also because my will was to become a wife and mother once children would arrive. I would like to repeat that I wanted to have children.

My intention was to have a family and to be with Stefano forever. I never had any conversation with Stefano about the possibility of divorce or separation.

9. Our marriage was celebrated on November 3, 2014, in the church of.... That day, I can say that Stefano's mom was not happy; even in the pictures you can see that she was always, somehow clinging to her son.

The wedding was followed by a reception, and we spent the first night after the wedding at a hotel. The marriage wasn't consummated that night, in the sense that we were unable to have complete sexual relations. The complete act occurred the following night, but was done with *coitus interruptus* in accord with Stefano's wishes. Our intimate life during the marriage was very infrequent. I realized that Stefano did not really like physical contact. I remember that just me resting my head on his shoulder was oppressive to him. Stefano never took the initiative to have sexual relations, and he would justify this by saying he was tired or that we had argued. Essentially, the few times that we had sexual relations always involved *coitus interruptus*, by Stefano's will.

The day after the wedding we woke up early. Stefano told me that we needed to go say hi to his mom. Even the evening of the reception, Stefano left me at the hotel to take his mom home. So that morning we went to his mom's and then we took a walk down via Cola di Rienzo; I ended up walking by myself, with the two of them ahead of me, arm in arm.

The honeymoon was not peaceful; we had various arguments, also because Stefano's mom would call often and she made her son anxious. It is true that my father also called. This was because I had confided in my father and mother that we were having intimate and relational difficulties, and my father began to worry. That's why he called me often. There was an unfortunate episode while we were at a store in Nassau. We were absolutely not arguing; we were talking calmly. Stefano coldly told me that we were not a family. When I asked him for an explanation, he told me that he thought you were only a family if you had children.

Another aspect that we fought about was finances. In fact, Stefano even disagreed about how I would spend my own money. Moreover, I was upset because I had asked Stefano if we could stay an extra day on our honeymoon and he was opposed. When I got back to Rome, I learned that Stefano had already set aside those days to do things with his mother.

11-13. When we got back from our honeymoon, Stefano asked my mother if we could live with her temporarily. Initially, even Stefano's mom was in agreement, although she said that Stefano would have to go back to her house starting in February/March, when their working season began, without even considering the fact that we were married.

Our married life lasted around 2 years on paper, but in reality it was less. I would like to point out that Stefano never brought his personal affairs to my mother's house, even though we had sufficient space. Stefano didn't even keep a toothbrush at my mother's house; he would go back to his house to shower, even though at my mother's house we had our own room with a private bathroom.

Stefano never had breakfast with me in the morning; he would go to his mom's house. In the evening, after work, Stefano would pass by his mom's house first because he said he "needed to give her someone to talk to." Moreover, while my mother and I were in the process of preparing dinner in the evening, Stefano would try to eat. Essentially, once it came time for us to sit down to eat, Stefano had already finished and would get up to go watch television.

Our married life was difficult from the beginning. We got back from our honeymoon on November 22, and Stefano was already planning the Christmas vacation, which he wanted to spend with his mom.

Once we got back to Rome after the vacation, ordinary life started up again. Stefano was working; I was looking for a job, trying to study for the public specialization exam, and volunteering at the hospital.

Over time, I realized that Stefano didn't have any intention of taking care of me. He once said something that confirmed this behavior. We were having dinner at my father's wife's aunt's house. Since, at that time, I had gained weight, my aunt told me that I should buy some new clothes and bring Stefano along. He responded dryly that if I needed anything I would have asked my father for it.

To the question of the Auditor, I answer that what Stefano said about us using *coitus interruptus* on my initiative is not true. I repeat, I wanted to have children. In reality, the few times we had sexual relations during the marriage were all interrupted, and many times they were not even complete acts. This was always Stefano's decision; he would come up with various excuses (sometimes he would say that he was tired and that he had to work the next day, other times he would tell me that he didn't feel like it, or he would put it off), and other times he would physically push me away.

I would like to point out that I had an internship at the hospital every day. It was not just for two hours, but was often the entire day. As the public specialization exam approached, I reduced my hours in order to be able to prepare for the exam.

It is true that my mother would prepare dinner. As for cleaning, we had a cleaning lady. With regards to laundry, Stefano preferred to take it back to his mother's house, even though I offered to do it. Stefano never brought any clothes to my mother's house; he would get home from work, put on the same clothes the next morning, and go back to his mother's.

One topic that was always a source of arguments was how to spend our Christmas and summer vacations. In general, Stefano would organize vacations without my involvement and without informing me that he would be leaving. For Christmas 2015, I went to Bressanone; Stefano and his mother told me that I would need to stay in a hotel near their home, but I refused. I would like to point out that Stefano wanted to take a trip to Andalusia in November; that trip was not peaceful either because there were so many arguments and we didn't have any intimate relations.

I would like to clarify that the relationship between myself and my mother-in-law got much worse after the wedding. In reality, I realized that Stefano was totally subjugated to his mom. Unfortunately, he would tell his mom about everything that was going on between us. It happened once that Stefano and I went to his mom's house; as soon as we went in, she took her son into another room, and I stayed in the entryway for around an hour without any idea of what was going on.

Regarding the house, we tried for a while to find an apartment. First, we looked in the area near my mother-in-law's; that search was carried out by Stefano and his mom, and I would learn about it only after the two of them had already gone to visit an apartment. Stefano and I were looking at apartments in the area where his mom lived, and we also looked at some apartments near the Gianicolo, halfway between each of our parents' houses.

We eventually found an apartment on viale dell'Umanesimo, and we agreed that we should rent it. Unfortunately, when Stefano told his mom about this decision, she told him that she disagreed and that if we took that apartment she would stop cooking for him and washing his clothes. Ultimately, Stefano, in agreement with me, signed a lease on the house, even though we never ended up living there and we never even furnished it. I remember that we were in a furniture store so that we could at least buy a bed, but we didn't get anything because we didn't even have the measurements of the rooms. One day, Stefano told me that he wanted to do a sort of housewarming, so I went to the apartment and found Stefano there with his friends. I had brought a big bag with linens, but I realized that there was only a camping cot there. At that point, Stefano told me that he could sleep on the floor and I could take the cot. At that point, I decided to leave because I understood that Stefano didn't have any intention of getting the house ready. I made an attempt to reconcile, but in vain.

I was the one who filed for separation in October of 2016.

To the Auditor's question, I answer that I am in favor of the nullity of the marriage, but as I stated in my *memoriale*, I am not in agreement about the grounds of exclusion, because to this day I am still hoping to have a family with children.

With regard to the witnesses presented by the Petitioner that the Auditor has just listed, I would like to note that they are people who I met around 3-4 times while watching the game at a pub.

Session 7

Judicial Deposition of Dr. **Elio**, Respondent's witness

1. Dr. Elio (Omissis)
2. I am Gloria's dad.

3. I can say that Gloria was raised in a peaceful environment. Obviously, she was the center of our attention as parents.

Gloria had a Catholic upbringing because my wife and I are Catholic, even if I am less practicing than my wife. My wife is a part of the association and she regularly attends both Sunday Mass, and also the various activities that are organized.

Gloria went to school at and then she got a degree in medicine.

When I met Stefano, his father was already deceased, and he lived with his mom. My wife, who is German, knew Stefano's mom, who attended and she had always spoken very highly of their family. They are certainly practicing Catholics and hard workers. I must recognize that there was undoubtedly a very strong bond between Stefano and his mom; his mom in particular had a very invasive personality. I would describe her as a "Prussian tank," as Stefano described her to Gloria. Stefano was a tour guide, like his mom.

4. Gloria met Stefano in 2013, at an event held by In fact, my wife invited Gloria along one evening, knowing that Stefano's mom was going to bring her son. They began spending time together once in a while, getting together for dinner. In July of the same year they started a romantic relationship.

5. Gloria is insecure, indecisive, and she often sees the glass half empty. She is introverted. I must acknowledge that once Gloria has made up her mind about something, it is difficult to get her to change it.

I would describe Stefano as immature. At the time, he was a child. He would say one thing, and later he would say the opposite. I must acknowledge that Stefano was a wishy-washy guy. After the marriage, I met up with him to talk about the fact that his mother was interfering a lot in their life as a couple, and I advised him to act as a buffer between Gloria and his mother, but he told me that she was still his mom and he couldn't just "throw her in the trash." I say this to illustrate that Stefano was a wishy-washy guy, who was a little bit dominated by his mother.

6. The decision to marry was made from the beginning, around the time of the dinner officializing their courtship. The idea of marriage that Stefano had was supported by his mom above all; she said that she wanted to become a grandma so that she could leave her inheritance to her grandson. Otherwise, if she didn't have a grandchild, she would leave her inheritance to Caritas.

7. I must admit that I had doubts, but seeing that Gloria was very happy to be getting married, and that she was 30 years old and wanted to be independent, I didn't linger over Stefano's words.

8. I would like to point out that the wedding preparations marked a particularly tense moment because they brought to light the two different approaches to life that Gloria and Stefano had. Obviously, as parents to an only daughter, we wanted the best for her. These were traditional choices: party favors, the photographer taking pictures before the bride left her room, and the music at church.

9. Gloria was aware of the Church's doctrine on the sacrament of marriage and she accepted it. In fact, she wanted to have children. She did, however, try to make it clear to Stefano that she would have children once she had overcome her difficulties at work, because at that time Gloria was starting to work in various different clinics.

Prior to marriage, Gloria did not tell me that she had any doubts or hesitations about the marriage.

Among other things, Gloria suggested to Stefano that he broaden his work activities so that he could earn more money. In fact, Stefano was only focused on German-speaking tourists. Gloria told him that he would be able to work more if he would give tours to

Korean or American tourists as well, but Stefano told her that the work he was already doing was sufficient to meet his needs.

They attended a pre-marriage course, but Gloria told me that she was very disappointed in Stefano's behavior, since he would spend the entire time playing games on his phone.

Also with regard to the preparations, I would like to point out that Stefano and Gloria set a date for the wedding and made all of the arrangements without having decided on or found anywhere to live.

11. Married life lasted about a year and a half. The spouses went to live with my wife. In fact, when they got back from their honeymoon, Stefano asked my wife if they could live at her house temporarily, until they found an apartment.

I can say that, based on what Gloria told me, they had problems in their intimate life as well. In fact, my daughter told me that Stefano would get in bed in the evening and turn his back to her, and he would act annoyed if Gloria tried to approach him.

Stefano had signed a lease for an apartment on viale dell'Umanesimo; however, I believe that after he told his mom about this, she completely disagreed. At that point Stefano backtracked, and that's why he didn't go with Gloria to order the furniture.

Gloria initially reached out to a lawyer because she wanted to introduce a cause of marriage nullity, but Stefano refused and said that he would rather get a separation and a divorce. Ultimately, Gloria was the one who asked for the separation.

(omissis)

Session 8

Judicial Deposition of Mrs. **Helga**, Respondent's witness

1. Mrs. Helga *(omissis)*
2. I am Gloria's mom.

Gloria grew up in a peaceful environment. She has always had a good relationship with myself and my husband; over time she has developed a stronger relationship with her dad.

I wouldn't be able to say what kind of upbringing Stefano had. With regard to his studies, I know that Stefano got two degrees, and also received a diploma as an archivist at He worked for a period of time at the congregation of organizing their archives. Then, he got his certification as a tour guide.

At the trips and events of the Confraternity, I had the opportunity to speak a bit with Stefano's mom, who would often invite me over to have tea with some other friends. From these conversations, I understood that her relationship with her husband was not peaceful, especially because I believe her husband was asking her to be more present at home. Essentially, I believe that since she had worked so much from the time that Stefano was little, she would often leave him with the neighbor. I must say that Stefano is very attached to his mom, and his relationship with her is almost one of subjugation.

3. Stefano was Gloria's first boyfriend. I don't believe that Stefano had other courtships prior to meeting Gloria, or at least I never saw him bring a girlfriend to the Confraternity. Gloria met Stefano in November of 2012, when Dr. Parmeggiani received an award at

4. Gloria's character is timid and introverted. She definitely puts a lot of thought into her decisions, but once she has decided on something she follows through with it.

Stefano's character is reserved. It is difficult for him to open up and confide in people. I don't believe that Stefano has ever needed to seek psychological help.

5-8. As I said, their courtship was directed towards marriage from the beginning. I believe that Stefano was in a hurry to get married because he was already 39 years old. On his mom's part, there was a certain level of tension, because she wanted to see her son settle down.

I don't believe that Gloria had any doubts about her future marriage because she seemed to be happy. With regard to Stefano, I can't say; I saw him little because he was very busy with work. I repeat, because I had few opportunities to get to know Stefano during their courtship, I would not know whether, at that time, he was sufficiently mature and ready for married life.

To the question posed by the Respondent's advocate, I answer that Stefano was the one who proposed marriage. If I remember correctly, there was an official meeting between my ex-husband, Stefano, and Stefano's mom, when Stefano officially asked for permission to marry Gloria. This happened before the official courtship dinner.

To another question posed by the Respondent's advocate, I answer that in my opinion Gloria was ready for marriage because, in general, she is responsible when she commits to something. Of course, I would like to add that their courtship was very brief, and I don't believe that Gloria was able to get to know Stefano in depth. Particularly, it was not clear what type of relationship he had with his mom.

9. Gloria was aware of the Catholic doctrine on marriage and she accepted it. With regards to children, Gloria has always wanted them; she loves children.

I am remembering an episode that left me perplexed. My apartment leads out to a small garden that is shared by a daycare and a few other apartments. One day, because there was a very young baby there, you would often hear crying. I was asking myself why this baby cried so much. Stefano said that if that ever happened to him as a parent that he would leave the baby at home and go to his sports league. Obviously, I objected to that response, but then I remembered that Stefano's dad, by his own admission, would spend his own free time at the league

The marriage was celebrated in Rome on November 3, 2014, in the church of I remember that when it came time for the cake, the photographer had to ask Stefano's mom multiple times to step away from her son so that she could get a picture of the spouses. Despite all that, in the photo you can see his mom's face all twisted up.

11. When the kids got back from their honeymoon, as I said, they had still not found a house to live in. On that occasion, Stefano asked me whether they could live at my house. I accepted, and I prepared a room for them, which also had a private bathroom. The strange thing was that Stefano didn't bring any of his things. He only brought his pajamas. In the morning, he would go to his mom's house for breakfast. Before coming back to our house in the evening, he would stop by his mom's to talk with her, then he would take a shower and change, and then he would come back to our house for dinner.

The marriage lasted about a year and a half, and I must say that Gloria did not seem happy. Also with regard to their intimacy, my daughter confided in me that if she even just rested her head on his shoulder, Stefano would tell her that she was oppressing him. During the night, in bed, he would always turn his back to her. Another thing that my daughter confided in me was that during intimacy Stefano would complain that he felt pain during the act.

I would like to point out that the relationship between Gloria and Stefano's mom had already been deteriorating for some time. In fact, once at dinner Gloria complimented her on the meal she had prepared, and she responded by calling her "Pinocchio" in front of

everyone. Gloria was very upset about this, because her compliment had been sincere. Moreover, Stefano's mom would refer to Gloria as "the little doctor, a woman without a profession." That was perhaps one of the last times that Gloria went to dinner at Stefano's mom's house.

One topic that always led to arguments between Gloria and Stefano was how to organize their vacation time. They spent their first Christmas at my house. The second Christmas, Stefano told Gloria that he would spend it with his mom and that she could come along if she wanted and stay at the hotel across from their house, because he didn't want her to be at the house. During the year, too, if the kids organized a little trip outside Rome, Stefano's mom would call her son and tell him that he needed to come back on account of her health-related needs.

There was no pregnancy from this marriage.

After having a big argument with Gloria, Stefano left my house and never came back.

When they went to see a lawyer to ask for the separation, I went with Gloria and waited in the car. When my daughter came out, she told me that she and Stefano had decided to try to reconcile. I was very happy. They told me that they were going to go live in a residence for a week so that they could be by themselves. However, the next day, Stefano unexpectedly changed his mind. Evidently, he had talked with his mom, and therefore they never followed through with this attempt.

14. I consider my daughter to be credible. I can't say the same about Stefano.

(*Omissis*)

Session 9

Judicial Deposition of Mrs. **Beatrice**

1. Mrs. Beatrice (*Omissis*)

2. I am the second wife of Gloria's dad. I have known Gloria since 1987, since I work in the same clinic as her dad. I can say that I watched Gloria grow up. As an only child, she was very wanted and very much cared for. She went to school at and even though her parents both worked, they tried to find other people who would also look after her. I can say that Gloria has always had a good relationship with both her mom, who is German, and her dad, who is from Puglia. She has always felt more of an affinity for the Italian culture and traditions. I can say that Gloria had a balanced relationship with both of her parents. She is close to her mom, who has a strong character a bit like her own. She has also developed a more solid relationship with her dad because she chose the same profession as him, a doctor. In fact, Gloria has always been passionate about medicine and she put forth a lot of effort to obtain her degree, since she is someone who expects a lot from herself. If she wasn't more than prepared, she would take her exams at a later date offered.

Her parents separated in 2003, when Gloria was already grown. I believe that she handled the situation fairly well, also because she was given the freedom to spend time with both parents. My own relationship with Gloria is good. During the time when Gloria was working on her thesis she moved in to our home, and so she was able to take advantage of her dad's advice.

I would describe the relationship between Stefano and his mom as one of absolute subordination and submission. He was completely subjugated to his mom. I can say that he did not want to rebel. In fact, Stefano would very clearly state that his mom was his first priority.

I do not know whether Stefano suffered from psychological problems prior to the wedding. What I can say is that during the marriage Gloria told me that she had suggested that Stefano consult a specialist or a psychologist or an andrologist, because some of his

behaviors were unsuitable. Among other things, I know that Gloria talked with one of Stefano's cousins, a psychologist. This cousin initially criticized Gloria, because she was not aware of the real situation, but when Gloria told her everything she intervened and spoke with Stefano and his mom, advising him to seek psychological help. I know that after this Stefano and his mom were very upset with Gloria.

3. Gloria's relationship with Stefano was her first significant romantic relationship. I wouldn't know whether the same was true for Stefano.

They met towards the end of 2012 at a festival. I was told that as soon as Stefano met Gloria he told his mom: "I'm going to marry this one." In general, I can say that their courtship was immediately directed towards marriage because Stefano wanted to get married as soon as possible.

4. Gloria has always been a shy, reserved girl, even though she does seek out the company of others. When she has a goal in mind, she absolutely tries to reach it. I would describe her as polite, even to a fault, because sometimes she would just accept situations with reacting, especially when it came to Stefano's mom.

5. The courtship lasted about a year and a half, and I can confirm that there were various moments in which Gloria was able to experience Stefano's mom's interference in their relationship. However, Gloria has always had the idea that once they were married and once they had children Stefano would gain his independence.

As for the decision about where to live, I know that Gloria asked Stefano to wait before buying a house because that particular year the public exam for medical specializations was national, and so if Gloria didn't pass it, she didn't know where she would be placed. In fact, when they returned from their honeymoon, Stefano asked Gloria's mom if they could live in her apartment until they had found somewhere else.

9. Gloria was aware of the Catholic doctrine on sacramental marriage and she accepted it. I can confirm that Gloria has always wanted to have a family with children, ever since she was a child. When she married Stefano, she would even have been willing to sacrifice her career for her children.

To the question posed by the Respondent's advocate, I answer that I have never heard Gloria speak of marriage as "a test," in the sense that Gloria married without any doubts or hesitations, and she was sure of her decision. She wanted to have a lifelong marriage and to start a family with Stefano.

I would like to add that I don't believe that Gloria looked at marriage in a superficial way, thinking that it was simply cohabitation. Among other things, Gloria has separated parents, and she tried to approach marriage in a responsible way. I don't believe that Gloria had any second thoughts about the decision to marry during the engagement. I would like to repeat that there were some small disappointments and tensions during their engagement due to Stefano's mom's interference in their relationship and Stefano's passive behavior. Unfortunately, Gloria did not pay enough attention to these behaviors from Stefano, because she was convinced that they would overcome all of these difficulties in marriage.

10. With regard to the consummation of the marriage, Gloria did not confide anything specific to me. However, Gloria told me that their intimate life during the marriage was very difficult. It must be said that, during the courtship, Stefano did not want to have sexual relations, supposedly for religious reasons. During the marriage, Gloria would tell me that Stefano would get in bed at night and turn his back to her, or else, if Gloria would ask him for intimacy, he would say that he felt like she was oppressing him. Stefano would say that the sexual act had to be ordered toward procreation, otherwise it would be "wasted sperm." Moreover, sometimes their intimacy could not be completed because Stefano felt pain. I would like to add that, based on what Gloria told me, they did not use contraceptives.

11. As I said, when they got back from their honeymoon the kids went to live at Gloria's mom's house. The marriage lasted about a year and a half. In addition to the problems with intimacy, Gloria told me that Stefano's mom was still interfering in their life. In fact, Gloria was disappointed because Stefano continued to lead the life of a single man, in the sense that he would spend his time at work, at the sports league, and at his mom's.

With regard to the conjugal home, at a certain point Gloria happily told me that they were able to find an apartment on viale dell'Umanesimo that they both liked. I believe that Stefano had already signed for the apartment at the agency, but then he suddenly changed his mind after talking on the phone with his mom, who harshly criticized her son. I knew that Gloria had already spoken with Stefano about how to furnish the apartment. However, one evening when the house still didn't have furniture, Stefano told Gloria that he wanted to have a housewarming party with some friends and said that he had brought a bed. When Gloria arrived, she found that their friends had somehow found a place to sit, and in place of a bed there was only a cot, so Stefano told her that she could sleep on the cot and he would sleep in a sleeping bag. In the end, they left that house and Gloria went back to her mom's. I must say that Stefano never brought his clothes to Gloria's mom's house. Essentially, each morning Stefano would go to his mom's house, where he would take a shower and get changed.

I don't remember whose idea the separation was; it was agreed upon.

To the Auditor's question, I answer that no children were born in the marriage, nor was there any pregnancy. When Stefano would talk about children, he didn't talk in the first person. He would always say: "My mom said that we have to have children because she wants to take care of a grandchild."

I must add that Gloria tried to save her marriage until the very end, making Stefano reflect on his behavior, but without any success.

To the question posed by the Respondent's advocate, I can confirm that Stefano's mom radically changed how she felt about Gloria immediately after the wedding. In reality, Stefano's mom no longer accepted Gloria.

14. I consider Gloria to be an honest and credible person, but I cannot say the same about Stefano.

15. To the question posed by the Respondent's advocate, who asked me whether Gloria depended on her father's opinions either professionally or with regard to life decisions, I answer that Gloria would often ask her father for advice about work, but she was independent with respect to everything else. Actually, I remember that her father disagreed with her choice to study medicine at university, but she chose it because it was her passion. Moreover, I can attest that my husband told Stefano that he had no intentions to interfere in their interpersonal relationship during their marriage, and that was because Stefano wanted my husband to take sides.

Letter from the Petitioner to the Respondent (December 2015)

Gloria,

Think about these ideas that I had.

I believe that the 24-25 is already decided, think what you will, I'll think what I will... and let's leave it be.

We could both leave on the morning of the 26th for Bressanone, and then on the 30th I'll take you to Innsbruck station and you can do Innsbruck-Vienna, since you already made plans for the 31st. Or, like I told you, I can wait for you at Innsbruck station at lunchtime on

the 2nd and when you arrive we can stay together until the 6th (maybe you can be one day late).

I would at least like to spend time with you in the Dolomites. I repeat, just the two of us and that's enough!

Regardless of the mountains, I can come with you to Vienna, if possible, and then leave for the night of the 31st, getting back to Rome at lunchtime.

I believe you have various doubts about our future ("let's say" ...) I've had them too!! I didn't think or imagine that we would have so many problems, or that they would be these ones.

But now we know, we do! Think calmly about what you want to do, take your time, reflect, if you really can't find any reason to keep going ... let me know.

I only have one plan with you, and you know it. There are different ways of going about it. Let's take our time and see. Without prejudice to each of our rights to take care of our loved ones.

Stefano

Letter from the Respondent to the Petitioner (July 23, 2016)

Hi Stefano,

It's been a month since we last saw each other, and I decided to respond to your letter and your emails (which are basically repetitive), to clarify yet again some things that you either don't understand or don't want to understand.

First of all, you should stop being so fake. You're saying you only married me out of love, to spend your life with me...I don't believe that's true! When you love someone, you show them. You try to spend every minute of your free time with them, you try to be with them as much as possible and to talk to them more and more, to get to know them better, and to find a way to overcome the various difficulties that come with married life.

I don't need someone to manage my own free time; I need a HUSBAND, with whom I can live and plan a better future for us and for our children (if and when they will arrive). You have never worried about our future, about my life, about my problems, about the problems I have been having finding a job, and my schedule (which is sometimes killer), about my worries, about my doubts about the treatments I have to give.... Even though on principle I don't complain about my job, that doesn't mean that it isn't stressful or difficult. Throughout this whole year, as soon as you got done with your "commitments," you've always found me at home waiting for you. Even when my mother wasn't at home or in Rome (and you knew that I was by myself), you never stopped by to keep me company! As always, you would come back home at the end of the day for dinner. You would come in, take your shoes off, and sit on the couch...You would watch your movies while I was at the computer with my pictures. That's how our "conversations" would start, with continual silence and a lack of communication. We were under the same roof, but in reality we were far apart. Your "absence" was clear. We wouldn't speak a word to each other until bedtime, and then we would just give each other a kiss "to get it over with"!

In bed, you would turn your back to me the whole night. Whenever I tried to get close, you would push me away and tell me that "I was oppressing you"...Do you understand that even sexually I think you're weird? How is it possible that, at age 40, you don't have any "sexual interest" in the woman that you say you love? Are you sure you're not sick???

Do you think that our life is normal for two people who love each other? Is this all the love that you can give to your wife? You say you love her, and then you push her away? After a year of marriage, we've become strangers sleeping under the same roof. There's no

communication. We just put up with each other without understanding each other. We really are “divorced in the same house”!

Ultimately, we are very different. We are two people with different interests, tastes, habits, sensibilities, and manners. Without a doubt, we have very little to say to each other. There is no communication anymore. Didn't you understand that this silence was the “beginning” of the end of our relationship!!! Don't you understand? Don't you care?

However, the worst thing is your continual compliance, your incapacity to contain your mother's “impositions” or to decide, with me, how to organize our life. Your obsessive relationship is preventing you from manning up and keeping the commitments that you took on.

I don't want to bore you or be a broken record by reminding you how you could never choose to do something with me in your free time without first asking your mom for permission...

Moreover, over this year, every morning you would get up early (even when you started working at 9 or 10, or even when you didn't work at all, and even when my mother wasn't in Rome) to go to your mother's house “to see whether she was still breathing.” You had breakfast with her every day. In the evening, after work, you would go back to her house to “give her someone to talk to,” not caring that you were leaving your wife alone for the entire day! You could just get back to me in time for dinner. Even on Easter morning you left the house early because you couldn't leave your mom alone on a holiday, not caring at all about your “beloved” wife – you could leave her alone, her parents would keep her company!! You did the same thing at Christmas 2015... (In a despicable way, in my opinion).

Of course, you act like a smart, cultured man, but in certain situations you can't see past the end of your own nose. In fact, rather than trying to find a solution that would allow us to be together for the holidays, you organized your vacations with your mother (instead of your wife) and didn't tell me until December 13th that you were leaving with your mom for Bressanone on the 19th and coming back January 9th. Knowing you, you probably organized that trip with your mom long before, and didn't have the courage to tell me!!! My parents had already made arrangements too, but once they learned about your decision they were forced to change their plans so that I wouldn't be alone on Christmas and New Year's. I won't even comment on that...

And then, Stefano, you were worrying about where and with whom your wife spent her holidays. Didn't the priests you spend so much time with teach you that Christmas is a family holiday?!! Yeah, but as you told me at that store in Nassau on our honeymoon, we're not a family. Because your family is your mother... *Dein Ein und Alles!* And you can't make a new one.

Of course, you were right, we're not a family! When you said that to me, I was very upset. Now you showed me, but I don't care anymore. Now I'm the one who can say to you, “I'm better off alone than I am in bad company”!!!!

I had also suggested we go to your house in Bressanone, but without your mother... You assured me that we could, but how am I supposed to believe you? In December of 2014 you said that you and I would spend a few days in Monaco and then go to Bressanone alone. Remember how that turned out?

Stefano, this whole year, you have been unable to change this situation. Now, I am convinced that you aren't capable! More than your mother, you are the one responsible for the problems in our relationship. You are totally incapable, you don't have the courage to stand up for yourself and confront your mother and fix the “decisions” that she thoughtlessly makes.... You don't have the courage to take on any role. You remind me of Don Abbondio (about whom Manzoni wrote: “courage: if someone doesn't have it, you sure can't give it to them!!!”)... and that, in my opinion, is you.

Now I would like to respond to the things you bring up in points 1 thru 6. I hope that what I'm about to write won't hurt your feelings, but Stefano, I "don't want to be dishonest" either, and I will tell you exactly what I think, even if you don't like it.

1. *Regarding the roles of our parents.*

We are in perfect agreement, but it would be better if you were more clear. You wrote: "we can both take care of our relatives as we want," okay, but you need to add "without neglecting our partner." Enough is enough, Stefano. This whole year you have always neglected your wife so that you could run after your mommy. Are you planning to continue on like that forever?

My parents haven't created any problems, because they always try to stay out of our relationship. My father wrote you and told you more than once that we need to solve our problems ourselves. He also told you that over time he hoped you would be able to replace him in my life. My parents do not (nor do they want to) interfere in our marriage, but neither will they continue to "accommodate" and repair the damage that your mother's selfishness creates. ("The mouth was made for talking"... remember?). It would be better for you to address her so that you can fix the problems that her "brilliance" has created.

Anyway, you should know I am always the one who decides. I never let myself be conditioned or influenced by you, my parents, or still less by your mother!!!

When are you going to leave the nest? When are you going to stop going to your mom's place two or three times a day, every free second you have, without her actually needing you? When are you going to set some boundaries on her interference in our life as a couple?

Forgive me for being so intolerant of your mother, but you know the reasons; do I need to remind you???

Don't you know how to tell your mother that you're married now and that you have to take your wife's opinion into account???. And if you agreed on something else with her, you don't intend to change the decision you made with your wife. You're 40 years old. When are you going to be a man and assume your responsibilities as a husband?

2-3. *Concerning our living situation*

Why don't you stop being such a hypocrite? You have no interest in and no idea about renting or buying an apartment, and to justify yourself you're going to keep on blaming me!!! If you're not comfortable at my house anymore (which I can understand), remember that you were the one who asked my mom if we could move in... and anyway, even if you don't feel comfortable there, you've managed to save on rent (and other expenses) for about a year (which is so important to you).

A house is a big decision; it's not just a box! We had opportunities and you let them slip away.

Now I can understand why you weren't interested in Mr. Saverio's furnished apartment. It would have been more than enough for us in the beginning. But it was inconvenient for your mother...so it wouldn't work out!

Anyway, Stefano, you have to calculate the furniture as part of the cost!!! Of course, we don't need all antiques, but we don't want stuff that's just made of plastic, or second-hand, or bought from IKEA!!!!

4. *Our expectations*

I am an essentially romantic person, and I would have wanted an affectionate husband who was in love, and who would have taken care of me (and I of him!). Nothing more!

To try to attract you more, and to have more time to be together. I gave you the PlayStation with a second controller (hoping we could play together, but that only happened once...). Then I thought we could sign up to take some courses together...But that's another thing we talked about a lot without ever deciding anything!!! It seemed like you weren't interested in the least, so I gave up too and I joined aqua-gym alone!!

5. *Work*

More than once your mother asked me when I was going to start working, whether and how much they would pay me (at the time I wasn't yet working).

Once I finished my commitments at the university, I began to look for a job in August... Given that my salary was still small (starting my career), I looked for another job to cover my expenses. Also because I can't count on you (remember? "If I want to buy something for myself, I have to pay for it myself").

Instead, you refuse to take on lesser paying jobs (like, for example, with the Koreans), not even thinking that you need to make more money because you have a family and because expenses in general have gone up. You give € 800 a month to your mom (why???) My parents would never accept even one euro from me!!!

On more than one occasion you told me that your job is stressful and that you need to take long breaks. I'm a doctor...Don't you think that my job is very stressful, too? I would say it's surely more stressful than yours, since I have people's lives in my hands. I always have to be careful, because if I mis-dose a medication the patient can die!!! If you make a mistake, Stefano, you just apologize, try to correct it, and keep going. My job can't be fixed; you can't turn back!!! If the patient dies, in addition to problems of conscience, I can add on legal problems and possibly lose my license!!!

Forgive me for writing so much, but I wanted to tell you once and for all about all of the problems that are preventing us from moving forward, and which can't easily be overcome. Unfortunately, you and your mother can't understand these problems, and so you can't help solve them. Over this year that we spent together, these problems have only gotten more evident, rising up between us like an impassible wall dividing us more and more.

Now, though, I have no intention of continuing to live like we've been living. This month of separation has made me reflect a lot; it's brought me to my senses.

Think hard about it, Stefano. Knowing you, you won't ever be able to change your life!!!! So it doesn't make sense to keep on torturing ourselves. Your mother will surely be happy if our union falls to pieces, so she can continue to handle you herself...But your life isn't normal!!! Do some research!!!

If you want to keep living with your mother, there would be no problems or difficulties on my end. I have no intention of making up "commandments" about what you need to do. I told you, at your request, about my point of view on our situation. I'm sorry that our union shipwrecked like this.

You surely won't agree with everything that I wrote, and you will try to find a million excuses to justify yourself. I have no interest in your arguments. However, reflect on what I wrote...For yourself and your future's sake.

Bye,

Gloria

Rome, July 23, 2016

Session 10

Judicial Deposition of Mr. **Marco**, Petitioner's witness

1. Mr. Marco (*Omissis*)

2. I am a friend of Stefano's. I have known him for around 30 years, and our parents were also friends. I have always been friends with Stefano. Actually, we have known each other since we were Scouts. I met Gloria when Stefano was dating her.

Stefano introduced this cause because he is a Catholic, and he did it for reasons of conscience. Stefano considers his marriage to be invalid because Gloria did not want to have children, and he learned this after the wedding.

3. Stefano met Gloria in the confraternity....in 2013, it seems like. At the time, I think Stefano was already 40 and he was working as a tour guide. I think that Gloria was interning at the Hospital. She had a degree in medicine and I think she was studying for the specialization exam.

Before meeting Gloria, I know that Stefano had another girlfriend. However, I never met her. Actually, I have been working outside of Rome for the last 10 years, and I come back to the city only outside of tourist season, so I haven't been able to spend much time with Stefano over these last years. Sometimes Stefano will come to visit me in Trentino. We definitely do not spend time together like we did when we were young.

4. Stefano always seemed to be an extroverted and decisive person.

I wouldn't be able to describe Gloria's character because I only met her on a few occasions.

5. Their courtship lasted around a year and a half. I happened to meet up with them a few times, and from what I could see they both appeared to be in love. I don't know anything specific about how their relationship went prior to marriage. I remember that in the summer of 2014 Stefano told me that he was going to marry Gloria.

I can't say whether there were any misunderstandings between Stefano and Gloria while they were planning their wedding.

9. As far as I know, I know that Gloria is Catholic, even though I don't know to what extent she practices. I am not able to specify Gloria's intentions when she approached the sacrament of marriage, in the sense that I do not know whether she internally accepted the Catholic doctrine on sacramental marriage.

Prior to marriage, Stefano told me that immediately after the wedding they were going to live for a while at Gloria's mom's house, and then they were going to look for their own house. The reason for this decision was because Gloria needed to do her specialization and she didn't yet know where she would have to go.

To the question posed by the Petitioner's advocate, I answer that Stefano confided in me that during the courtship Gloria's dad was excessively present in his daughter's life, in the sense that he would call her multiple times a day and he would often join her and Stefano for lunch. In reality, Stefano made me understand that he was concerned about Gloria's father's interference in their life as a couple, especially in view of their marriage, in the sense that he was worried that this interference would continue in their married life, which Stefano confirmed to me was what ended up happening.

Stefano confided in me that the marriage was consummated on the honeymoon and that they had sexual relations. During married life, Stefano told me that he wanted to have children but Gloria refused. Stefano also told me that Gloria would complain about the fact that Stefano would ask her to have children and to have relations open to life. Stefano never told me why Gloria did not want to have children. My friend told me that their sexual relations during the marriage were done with *coitus interruptus*, in accord with Gloria's wishes. Once, Stefano told me that during relations Gloria elbowed him in the stomach at the moment of ejaculation to push him away.

10. I don't remember how long their married life lasted. As I said, they went to live at Gloria's mom's house, where they ended up staying for the whole marriage. I remember that already at the beginning of 2015, maybe February or March, Stefano confided in me that they were in crisis. They had disagreements, and this problem about her not wanting to have children had come up, and then their stay at Gloria's mom's house was being extended.

Stefano was able to find a house that he rented, even though Gloria disagreed about going to live there. Shortly after that, they separated.

To the Auditor's question, I answer that I don't believe that Stefano's mom interfered in his son's life or in the married life between Stefano and Gloria, in the sense that Stefano never told me that.

To the question posed by the Respondent's advocate, I answer that Stefano's family has a home in Bressanone, and I know that Stefano would go there with his mom for the summer vacation.

To the question posed by the Petitioner's advocate, who asked me what type of relationships Stefano had with his family members, and especially with his mom, I answer that his relationship with his mom always appeared to me to be normal. Actually, over the years I have always considered Stefano to be an independent person. I remember that his mom would leave him a lot of freedom to make decisions. In particular, when he was young, Stefano would travel; he traveled all around Europe with his friends using a train pass....

(Omissis)

NOTE BY THE AUDITOR

The undersigned Ms. Roberta, Auditor, having completed the Instruction of the above-mentioned cause, hereby transmits the Acts to the President of the College in accordance with the norm of can. 1428 § 3 CIC.

Rome, December 4, 2020

Ms. Roberta, Auditor

7th Renewal Course of Marriage Law and Canonical Procedure

Practical Case on "Appellatio mere dilatoria"

Prof. Marc Teixidor

PRELIMINARY CONSIDERATIONS

The acts of this case have been prepared on the basis of a real case, although the names and geographical origin of the cause are fictitious. The first-instance sentence, which is included alongside the acts, cites the *summarium* with an indication of the Roman numeral corresponding to the section (which can be found in part IX), followed by one or more letters corresponding to the paragraph numbering. For example: *cfr. 1:A, B-D; 3:D* should read as *cfr. Section 1 [Petitioner's deposition], letters A and B thru D; Section 3 [witness] letters B, C and D*. This will allow you to locate the citations given in the sentence of the first grade of judgment.

ACTA PRIMAE INSTANTIAE

I.- *Libellus*

To the kind attention of the judges of this Tribunal,

I am turning to the Tribunals of the Church to shed light on my marriage, which I consider to lack all validity in the eyes of God and the Church. I met my husband Felix during my second year of college in Rome.

We became friends, and little by little we became close; we began having sexual relations, using contraception at his behest. We became engaged in the month of May 2010. We talked about children during our courtship, and he was very closed to this issue. He would say that he absolutely did not want to have children. I thought that his attitude would change over time, but I was terribly mistaken. In December of 2010 I became pregnant after we used a punctured condom. When I told him the news, he immediately insisted that we should terminate the pregnancy because he didn't feel prepared and it was just too much at that time. Our mutual friends insisted on the same, and even Felix's mother told me that fatherhood would surely be too burdensome for her son at that time. So in January of 2011, I had an abortion. Our courtship moved ahead, and we always used contraception.

In the fall of 2012 he asked me to marry him. At that time, he seemed more open to the idea of children... Maybe it was disingenuous of me to have thought that there were signs he had changed his mind, but as a result of the attraction that I felt for him I accepted. We married on March 17, 2013, at the Parish of St. Mark in Rome.

After the wedding, he continued to insist that we use contraception. This situation became prolonged. It became an ever greater source of suffering for me as I watched time go by without any decrease in my desire to be a mother. Unbeknownst to him, I needed some psychological counseling and was prescribed an anti-anxiety medication. Adding to this situation was a sort of change in his character: he became colder, and completely dedicated to work. He would spend the entire day at the office and when he would come home, he would shut himself up in our room and continue to work. Every Sunday he would go to his mom's house to drop off his laundry (I had a very tense relationship with my mother-in-law for some time).

In March of 2015, I decided to confront him. He told me what I now believe to have been clear from the beginning, that is, that he didn't even want to talk about children and that he would be the one to decide on the how and when. I told him that his position was untenable and he responded that we should get a divorce, which was granted in September of 2015.

He abandoned the conjugal home and moved back to his mother's. I still live in Rome. Upon the advice of a priest, I have decided to ask that the nullity of my marriage be declared owing to the exclusion of children on the part of Felix Giusupo.

Rome, September 6, 2019

Signed: Irene Romagnoli

(authentication of signature; Notary).

II.- Enclosed with the *libellus*:

- Irene Romagnoli's ID (born January 6, 1989).
- Petitioner's baptismal certificate.
- Marriage certificate.
- Documents from the San Camillo Forlanini of Rome Health Clinic (2011).
- Proposed witnesses (addresses: *omissis*): Eleonora Grazioli, friend; Carmen Delpino, employer.

III.- Decree admitting the *libellus*

(*excerpt*)

ORDERS

1.- The admission of the *libellus* presented by the Petitioner;

(...)

5.- The doubt of the cause is proposed as follows: "*Whether the nullity of the marriage celebrated in Rome, at the Parish of St. Mark on March 17, 2013, by Irene Romagnoli and Felix Giusupo, is proven on the ground of an exclusion of children on the part of the man in accordance with the norm of can. 1101 CIC*", with the same time limit as that established above given for any possible observations or requests;

(...)

Rome, September 10, 2019 (signed by the Judicial Vicar and Notary; Tribunal seal)

(...)

IV.- Proof of notification to the parties

The legitimate notification to the Defender of the Bond is verified to have occurred on September 12, 2019; legitimate notification to the private parties on September 13, 2019.

V.- Procurator-Advocate Mandate for the Petitioner

The mandate conferred on the advocate Enrico Fesseria arrived to the Tribunal on September 16, 2019.

VI.- Respondent's Response

The undersigned advocate Nicholas Caiolo, Procurator-Advocate of Mr. Felix Giusupo, Respondent in the cause, as per the enclosed mandate, requesting that notifications be communicated to (*omissis*), provides the following with regard to his citation to trial.

(...)

- 1.- The Respondent is totally opposed to the Petitioner's claims, and has expressed his willingness to participate in this process.
- 2.- The Respondent maintains that the facts reported by the Petitioner, whom he does not believe to be credible, do not correspond to the truth, and he is prepared to provide proof of this over the course of this trial.
- 3.- The Respondent, furthermore, would like to point out the following:
 - The reason for the failure of the marriage was the progressive deterioration of the Petitioner's psychological health. Mrs. Romagnoli was already showing signs of a stable form of substance dependence during the courtship. Furthermore, the Petitioner was hospitalized on a few occasions due to her abuse of narcotics and complications arising from her addiction. The Respondent maintains that the Petitioner's mental state at the time of the wedding clearly rendered her incapable of giving consent.
 - The decision to postpone (though never to exclude) children was due to the Respondent's fears about the Petitioner's mental state.
 - Precisely for this reason, prior to the wedding Mr. Giusupo expressed that he did not intend to establish an indissoluble bond, and that he would take recourse to divorce if things did not go well, in order to regain his freedom. Mr. Giusupo manifested this resolution and intention to persons who have expressed their availability to testify in this trial; he himself also made a declaration of this in the presence of a notary, as enclosed.
 - The Respondent maintains that his marriage is null owing to the Petitioner's incapacity to assume the essential obligations of marriage, and to the exclusion of indissolubility on his own part.

For this reason, the Respondent:

Is altogether OPPOSED to the Petitioner's claims.

ASKS that his marriage be declared null "*ob incapacitatem assumendi obligationes matrimonii essentielles ob causas naturae psychicae ex parte mulieris actricis iuxta can. 1095, n. 3 CIC, et/vel ob exclusum bonum sacramenti ex parte viri conventi ad normam can. 1101, §2 CIC*".

ASKS that the following witnesses be heard (addresses omitted): Lorenzo Baldini, mutual friend of the parties; Maria Grazia de Santis, Respondent's mother; Immacolata Boldrini, Respondent's cousin.

ASKS, furthermore, for the admission of the documentary proof enclosed herein.

Rome, September 18, 2019.

(signed: Procurator-Advocate)

Enclosures:

- Respondent's ID (born February 1, 1981).
- Mandate
- Document 1: Emergency Room report (2007).

- Document 3: declaration before a notary (2013).

VII.- Decree Formulating the Doubt

(excerpt)

DECREEES

1. The following formulation as the doubt in the cause, affording interested parties with the possibility of raising any eventual exceptions within the time limit of ten days from the notification of this decree, after which time the formula of the doubt will be considered definitively established: *“Whether the nullity of the above-mentioned marriage is proven due to the exclusion of children on the part of the Respondent (can. 1101, §2 CIC), and/or to the exclusion of indissolubility on the part of the Respondent (can. 1101, §2 CIC), and/or to the incapacity to assume the essential obligations of marriage on the part of the woman-Petitioner (can. 1095, n. 3 CIC)”*;

2. The proofs presented by the parties are admitted.

This decree is to be notified to all interested parties.

Rome, September 23, 2019.

VIII.- Opening of the Instruction

It is verified in the acts that the Decree Formulating the Doubt given on September 23 was legitimately notified to the Defender of the Bond on the same date, and to the private parties on September 26, 2019. It is verified in the acts that a Decree given on October 11, 2019, and legitimately notified to all parties on October 14, ordered: the opening of the instruction, the citation of the parties to give their depositions on October 21 and 22, 2019, with the witnesses cited to appear on September 23, 24, and 25. There is a Decree given on October 28, 2019, designating an *ex officio* expert, namely Dr. Costanza Ferragamo (who accepted the appointment on October 29, 2019).

IX.- INSTRUCTION

1.- Petitioner’s Deposition

A.- I grew up in an environment where my mother exerted a lot of control over me. After my father’s death, her health deteriorated. I helped her run the little grocery store in our town. I took care of all the things that were entrusted to me and got good grades at school, but at the same time I guess you could say I was kind of wild. She was a little bit possessive over me. A few times, I caught her following me when I would go out with my girlfriends. She would go through what I kept in my closet.... We loved each other, but at the same time I wanted to have a little bit more freedom. I think my mom was afraid of losing me, since I had grown up without a father and since I was also a bit reckless (...). I had a small group of friends, and sometimes we would go out at night (...). I remember that one time I got drunk at a party in the town where I had gone with a few friends. I ended up spending the night at the home of a girlfriend, who called my mom and told her I had caught a little cold (...). I had my first sexual experience when I was 16 with a guy from up North who was spending the summer in our town (...). My mother would make me attend church as a teenager, and towards the end I would go a little bit reluctantly (...).

B.- The possibility of being able to study in Rome fascinated me, partly because it would allow me to get some distance from my town and from my mom's control. I had gotten a scholarship to study law at the LUISS Guido Carli University in Rome. My mother was opposed to the idea until the very end. She started crying. But I was determined to have my own life. I reassured her that Rome was close-by and that I would come back to Celano often. I was going to live with an aunt in Rome, and she was also a widow, the sister of my late father. I am an only child. I thought that this would help my mother feel better about it, because she didn't want to let me go, so to speak.

C.- I have to admit, my first two and a half years of college were a disaster as far as my personal life goes. I lived with my aunt until December, but after that I rented an apartment with two girlfriends. I immediately started to let my hair down, partying, a bit too much into the nightlife, with not-so-great friendships... I think that my desire for freedom had a lot to do with that. I abused alcohol and marijuana, and I'm ashamed of that today. At the end of June in my first year I ended up in the emergency room after a beach party. I had drunk too much, and maybe took a pill that someone gave me, I really wouldn't be able to tell you (...). Also with regards to sex, I was not a model citizen. I had sporadic relationships with a few guys, some drunken one-night stands that left me feeling destroyed and feeling bad about myself. Today, I am so ashamed of all that. When I met Felix, I wasn't a virgin anymore. However, it is true that once I met him, even before we were dating, I stopped having relations with anyone else.

D.- I met Felix in my second year of college. He had studied economics at the Sapienza University, and that year he was finishing his Master's in Finance at the LUISS. He was 27 years old. I met him for the first time at a couple of conferences for his Master's, which other students were also invited to attend. Then we also attended a seminar that included both undergrad and Master's students. We started to spend time together in the spring of 2009; we got closer, and we became sexually intimate. He was attractive, intelligent, and really capable. However, we still were not dating; I was waiting for him to take the lead on that. Our courtship came later, in May of 2010.

E.- For the first two and a half years, as I said, I really let my hair down. My friends were the sons and daughters of well-to-do families and they were rich, so I was invited to go almost everywhere for free. Over the summer of 2008 we organized a trip to Ibiza, Spain; a few weekends up North; and a weeklong trip to San Francisco, paid for by the grandfather of one of my friends. These trips involved lots of alcohol and drugs, though I never did anything harder than marijuana. I would tell my mother that I was going to academic events or something like that. The following summer, we went all over Europe, stopping in Amsterdam, London, and Mallorca, and taking a Caribbean cruise, all paid for by a girlfriend's family. It was crazy. That all continued until December of 2009, when I went to Milan for New Year's. I was with three male friends and three female friends in a car meant for five people. We were totally wasted and we crashed it. We were okay, thanks be to God. I only got a broken finger and a few cuts on my face. The driver had a neck injury that he recovered from, and one of my friends broke her right arm. On the other hand, the driver of the van that we had crashed into ended up in the intensive-care unit, spending two weeks caught between life and death. In the end, he survived, thanks be to God. The friend who was driving our car went through a civil suit, but I think he was able to settle. However, the damages were no small matter. That night was a turning point for me, because I asked myself what I was doing with my life, whether I really wanted to throw it away like that. The other driver was the father of a family with small children, and we had come this close to leaving them orphans. That really upset me, and I spent many sleepless nights while he was in critical condition. I went from Rome to Milan twice to visit him in the hospital, and I burst into tears in front of him and his wife. I remember that when they discharged him

from the hospital I walked into a church in the city center, went to confession, and decided to get my life in order.

F.- From that moment on I never again touched marijuana, alcohol, or anything else, and that is still the case today. In September of 2010, my mother's health declined. I had to help her out sometimes on the weekend. A few times, I would even spend the entire week in Celano, helping out in the store when she couldn't work. This was exhausting and stressful for me, because it affected my ability to attend my classes, take exams, and go to work. Starting in my first year I had done some little afternoon jobs at a restaurant and also tutored some high-school students in order to pay for some of my housing and other expenses. I don't think Felix understood that at all. He told me that I should find someone to take care of my mother, or else invite her to move to Rome and live in an assisted living. But my mom was only 60 years old, and she had lived in Celano her whole life.

G.- (...) In early 2011, during my last year of college, some of my girlfriends suggested that I see a psychologist because they had noticed I was anxious, tired, and a little bit sad. I was a little wary, but one of my close friends, Eleonora, confided in me that she was worried that since I had had problems with alcohol and marijuana in the past, she was afraid that this situation would cause me to start using again. In the end, I decided to see a psychologist. I have no problem with my psychologist being called as a witness, and I will absolutely give him a waiver in whatever form is necessary (...).

H.- After the car accident, I began to meet up with Felix more. He had finished his Master's and had started an entrepreneurial endeavor for which he was desperately seeking funds. I offered him my help. I had a few contacts and I was able to obtain a friend's villa in Frascati at no cost, where we organized a lovely fundraising event that was a great success. From that moment on, I helped Felix out with different projects and events (...). My courtship with Felix was formalized in May of 2010. For me, that courtship was directed towards marriage. I wanted to get married, and I knew what I was doing (...). Both before and after the wedding we always used a condom during intercourse. Felix insisted upon it, and told me clearly that he didn't want children. At the beginning, I didn't pay too much attention to it, but once we got engaged and everything was pointing towards marriage it started to bother me. Sometimes he would avoid the topic, saying that maybe in the future, or that first we should have a few years to ourselves, and that maybe once we were finally settled down we could start thinking about a child, but that he still wasn't convinced... Other times, he opened up and told me clearly that he absolutely didn't want to have children. He was an only child. I was an only child, too, but I really wanted to have children (...). Felix was very much in favor of divorce. His parents were divorced, and he told me multiple times that he didn't believe in indissoluble bonds and that we all had the right to regain our freedom, and that he would be willing to do that (...). In December of 2010 I got pregnant by him because we had used a punctured condom. I was in my last year of college. We were already courting and thinking about marriage, and Felix had a job.... It was my child, and I wanted to keep it. But Felix wouldn't budge on this point. He told me that if I wanted to keep the child, I would have to figure it out on my own. He was not willing to support me. He went days without talking to me, and wouldn't even answer my calls. I went looking for him, but he insisted and told me that I had to have an abortion, for our sake and for the sake of the child. His mother told me that Felix was not prepared to become a father. Some friends encouraged me to have an abortion as well. At that time, my mother's health was precarious. If she found out that I was pregnant out of wedlock she would have been destroyed, because that was very important to her. In the end, I had an abortion, alone, at the end of January. From that moment on there has not been a day in my life when I haven't regretted what I did. My desire to become a mother only grew stronger. All that should have made me reflect about Felix, but I was in love and I thought that his attitude would change, and that things would be different once we were married.

I.- Felix asked me to marry him on November 1, 2012. I was happy. He was sort of an anal person; he was controlling, and obsessed with the idea of making his own way in life. He was a man who valued his freedom and independence above all, to be clear. But it seemed to be me that we got along. I continued to help him organize events for his company, and he was happy. Prior to marriage, he insisted that we keep separate finances. I chalked this up to his sense of independence and his meticulousness, and I accepted. I insisted that we marry in the Church because it was important to my mother. My friend Eleonora also encouraged me to marry in the Church. We got married on March 17, 2013, in the parish of St. Mark the Evangelist, where we also attended a marriage preparation course. My mother came from Celano, and she had been telling me for weeks how she wanted to stay in Rome to attend the Mass for the inauguration of the pontificate of Pope Francis. I asked Felix if we could go too, to make her happy, and then leave for our honeymoon. Felix told me yes and he even went to the Mass with us, even though he wasn't practicing.

J.- After the wedding and after our honeymoon in Mexico, it became clear to me that Felix wasn't going to budge on the topic of children. Even on the honeymoon we used condoms. He seemed to be more open a couple times, just saying that it wasn't the right time...But other times we would have the same old conversation: he didn't want children at all. This was a great source of suffering for me because I wanted to be a mother and I was also feeling a lot of guilt over the abortion. The more I insisted, the more rigid he became (...). At that time, my mother was still in poor health and I went to Celano often. Felix would get angry and always hold it against me that I was, in his mind, excessively attentive to my mother. He worked for an important company in Rome, and he would get home late after work. I tried to create a welcoming environment at home. Sometimes, without even telling me, he would invite his mother over, and she would bring the type of lasagna that he liked. This bothered me a lot. Then he would shut himself in his study. The situation never seemed to change. After the summer of 2013, I brought up the topic of children again, but I was again met with Felix's complete unwillingness (...). He was more and more absorbed in his work. I continued to help him, always at his request. One time he wanted to organize something with some German entrepreneurs, to convince them to invest in the company. He didn't know how to do it. Since I spoke German, I suggested that he organize a dinner on our rooftop terrace, and I helped him prepare the legal documents, putting together a letter of intent and a dossier....I was half-hostess and half-consultant. Anyway, it ended up being a success. I helped the same way on many other occasions, organizing company events and offering my experience in the legal sector. He would tell me that I made him a lot of money. This put a lot of extra work onto me, on top of my legal internship. I thought it would also help get him to change his mind about children; at the same time, it made me feel like he finally appreciated me (...).

K.- The situation began to deteriorate in the spring of 2014. In 2013, I had passed the bar exam and I had started working at a prestigious legal office, where I had also done my legal internship. I made a good living and could afford to spend a few afternoons at home in order to keep it clean for Felix, but my job was still very intense. And so we made it to our first wedding anniversary. It had been an entire year of marriage, and we had only had contracepted intercourse. That day, Felix came home with his mother. That was too much for me. I told him that he could go find a restaurant, because I wasn't having it. He got really mad, and I locked myself in our room. When his mother left, he came into the room and started to scream in my face, telling me that I was immature. He accused me of drinking in secret and told me that I needed to stop bothering him about the issue of children (...). Over the next two weeks he didn't speak one word to me, and I was destroyed. I decided to approach him and I apologized; he also apologized and asked me to help him with an event... However, I started to get anxious; I felt terrible, and I started to have unpleasant thoughts. Through all this, I needed to continue helping my mother. I felt empty and was

having trouble sleeping. In June, I met up with Eleonora, who had just come back from the United States. As usual, she was worried about me. I went to see Dr. Fanelli, the same psychiatrist who had helped me years prior. He prescribed an anti-anxiety medication and something for sleep, and told me that I was under a lot of stress and that I was starting to be a little bit depressed (...). We stayed in Rome for the summer. One day, Felix told me that he was going to go with his mom to Ischia for two weeks in August. I stayed in Rome by myself (...). Around December of 2014, even though these issues continued, I tried to improve our relationship. I even agreed that his mom could spend Christmas with us. But he continued to demand that we use contraception, and completely shut down on the topic of children. In early 2015, we had an argument. I was really upset. I remember that I lost control and yelled at him; I said really nasty things to him, and I even slapped him. He accused me of being on drugs and went into our room and started to pack his bags, saying that he was leaving. But I got down on my knees like an idiot and asked him for forgiveness (...) In February, my friend Eleonora told me that I couldn't continue on like this, and Dr. Fanelli felt the same. So did I. Prior to our second wedding anniversary, I asked him to talk for a moment, and I told him clearly that I couldn't do this anymore, and that I had gotten married in the hopes of being a mother. If he wasn't willing, then I thought it would be better to separate for a while, to stop collaborating professionally, and to ask my mother to come live in our home so that I could take care of her. I hoped that this ultimatum would help him to think, but his response was that he didn't want children and that he had been clear about that from the beginning and had no intention of complicating his life. Then he harshly opened his desk drawer and pulled out the draft of a divorce agreement that his lawyer had prepared weeks prior, which was very severe with regards to me. I felt my world caving in on me. I didn't expect this reaction. I just thought I could shake him up a little, and that at most we would just physically separate for a time. But he told me that it was time to divorce, and that it would be better if we agreed on it because litigating would destroy me. I accepted because I didn't have it in me to go through a divorce hearing. That night, I went to sleep in a hotel and he came the next morning with a moving company to take his things and move back to his mom's. I stayed in the conjugal home, which was in my name, where I still live. The divorce was consensual, and was granted at the end of September.

L.- I have never considered Felix to be a liar. Another question is whether he is a selfish guy who only thinks about himself, but that has always been clear as day. He was clear about children; the problem was that I got my hopes up that he would change. I have nothing to add or object to with regard to the witnesses that he proposed, except that there was a lot of tension between me and his mother. It shocks me that he considers me to have been incapable, but I think that derives from a desire to get back at me. I have talked with his cousin just a handful of times. I have no objection to Lorenzo; on the contrary, I have always considered him to be a trustworthy and honest person.

2.- Respondent's Deposition.

A.- I was baptized, but I have never been practicing. It would seem excessive to say I'm Catholic; let's say, I believe in God but that's all (...). My parents were not religious. My father was an atheist and my mother was baptized but never went to church. My grandmother took me to church, and pushed for me to get baptized and, later, to receive first communion and confirmation. My grandma would give me some money if I would go to church and catechism. My parents didn't care about any of those things, I must admit (...). My parents divorced when I was ten years old. My father left with another woman, and I stayed with my mother (...).

B.- I met Irene at a conference that was held at the LUISS. She was a beautiful girl; very beautiful, in fact. Guys were turning around to look at her, and she was very much an object

of desire. She knew that, and milked it. Then there was a seminar for Master's students like myself and undergrads like her. There I realized that she wasn't dumb; actually, she was very intelligent and a very capable leader. She got top grades with pretty minimal effort. In March of 2009, if I remember correctly, we worked together on a project for the seminar. A few dinners and evenings of partying brought us closer. I knew from other people that sometimes she would drink too much or smoke marijuana, which I later observed myself. I found out that over the summer she had gone out of town with a group of totally mediocre people from well-known families in the business world. After the summer, the situation seemed to have gotten worse: more parties, more alcohol, more drugs... We continued to see each other, and sometimes we had sexual relations, but everything was kind of weird and superficial. I was afraid that I wasn't the only man in her life; at the same time, though, I really liked her. I was insecure, and I was a little bit frightened by the kind of life that she led. My friend Lorenzo called me on January 1, 2010, and told me that Irene had been in a car accident in Milan with some other people. They were all drunk, and there were six of them in the car. They had crashed into a truck, I think, and the driver was badly injured. Nothing serious happened to any of them. Now that I think about it, that should have made me stop to think about the type of person I was growing closer and closer to.

C.- Starting in January of 2010 I began spending more time with her. I was busy with a fundraising campaign for my company. She offered to help me. It was then that I realized that after all those nights carousing with her friends, she had built a network of contacts linking her to all of the most well-off, rich families with social standing in Rome. She organized a memorable evening at an incredible villa near Rome, at no cost (she told me that the property belonged to the family of a guy she had met on one of those binge nights). I discovered that she had an excellent ability to manage things, and a vast network of contacts that ended up helping me out a lot. During the month of April, I was trying to find a contact-person at the Income Revenue Authority, and she introduced me to a friend of hers who ended up there because her father was a senator (...). We started a courtship in the spring of 2010. I asked her, because I liked her and was afraid of losing her. I was crazy about her, and I wanted to help her too. I thought that we could combine our skills and that we would work well together. We continued to have sexual relations, which were usually contracepted (...). In July, I went to Ireland to improve my English, as I had also done in the summers of 2008 and 2009 (...). At that time it was already clear that she was very dependent on her mother; she couldn't do anything without her opinion, which was often fairly self-righteous and distrustful. She didn't have the courage to confront her or oppose her. Her mother decided everything (...).

D.- (...) Aside from her evident dependence on alcohol and marijuana, which I don't believe she ever gave up, during our courtship she also had episodes of extreme anxiety, disproportionate reactions, and phases of extreme sadness and fatigue. I know that she was seeing a psychiatrist at that time, so they must have been significant problems, although she never explained anything to me. My problem was that I didn't admit it; I mean, I continued to believe that things would straighten out. But Irene was absolutely immature and unstable.

E.- You could say that I got married because it was the only way I could have her. I was in love with her, I liked her, all of my colleagues were crazy about her, and I was the one who got to have her! Her problems were on my radar, but I thought that over time we could resolve them. Moreover, we understood each other. She had helped me out on some important projects. So, you could say that I married her because I loved her and because I thought we understood each other. In spite of everything, we understood each other and we knew how to work together (...) She wanted canonical marriage; cohabitation would have been just fine with me, but she was unwilling and there was nothing to ensure that she wouldn't leave with someone else. Marriage afforded me the guarantee that she would stay with me, so to speak, and that I wouldn't lose her (...).

F.- (...) I have always thought that marriage can end in divorce, just like any other type of commitment or contract. Nothing binds you till death, obviously! So, I was willing to avail myself of a divorce if things went poorly; I didn't conceive of or want an indissoluble bond. Among other things, my parents had divorced, and I saw that they were happier afterwards, so go figure (...). It is true that I told the pastor yes (to indissolubility) at our meeting, but really, it's like saying yes to a formality (...). I hoped that the marriage would last a long time. Who doesn't hope for that? But I got married reserving the possibility of unilaterally regaining my freedom. I never hid that, even from her. Everyone knew it. That's what I thought then and that's what I think now (...) Irene insisted on a religious wedding for her mother, above all. I didn't care about it at all, and neither did my mother. I would say that, all things considered, Irene hardly cared about it either (...).

G.- (...) Naturally, I wanted to have children. Regarding the abortion she speaks of in the *libellus*, although I did share with her my concerns because we were still young and had not yet settled down and could still wait a while. At the same time, even though I didn't say this to her, I was afraid that she was not in a position to be a mother, and that I would have to bear the consequences of that. I maintain that in her somewhat anomalous situation, she made up something that existed only in her head. Then she told me that she had had an abortion; I was upset, but I respected her decision (...).

H.- (...) Regarding our intimate relations, I was of the mind that we should wait a while. I didn't refuse to have children; on the contrary, children were a motivating factor for me. I don't know how she reached that conclusion. I shared my perspective with her, and she was in agreement.

I.- We decided to marry in the fall of 2012, and the wedding was celebrated on March 17, 2013 at a church near Piazza Venezia, in Rome. Everything unfolded normally, except that her mother was always by her side. We went to Mexico for our honeymoon (...). After the wedding things went well for quite a while. The only thing was that she continued to be very dedicated to her mother, even though we lived in Rome. She would often go to Celano on the weekend, and sometimes she would even spend the whole week there. She would talk about her mother's health, but her mother had been managing a store in Celano for many years. That bothered me, but we understood one another and she took care of the home very well. Moreover, she continued to give me a hand with the organization of some dinners and meetings, which went very well, allowing me to close some very advantageous deals. As I had learned prior to the marriage, she had an innate talent for these things, on top of her beauty (...). Her character started to change in a more notable way in the spring of 2014. On the occasion of our first wedding anniversary my mother was kind enough to come to dinner. Irene got very angry, and ended up closing herself up in our room. I thought that maybe she was a little jealous towards my mother. We had a big argument and stayed mad for a few days, but then I apologized and I asked her to help me organize a few meetings that I had set up with investors. Our sexual relations continued to be contracepted because it was my preference to wait, and she agreed. But as the months passed, she became very cold and distant towards me. She would act profoundly sad, bitter; she had become a mere ghost of herself. The next fall it seemed almost like she was rejecting me, and sexual relations seemed to be more of a pain than anything else. She would explain this by referring to the issue of children. The fact is, at that time I wasn't sure whether I wanted to have children with her because I wasn't convinced that she was psychologically stable. Around Christmas she seemed to be more at peace, but then the anxiety returned, with disproportionate reactions. Once she even slapped me and threatened to commit suicide! I was convinced that she had been drinking, and I was about to leave the house when she got down on her knees, crying and asking me to forgive her. Added to this, one of her friends told me that Irene had been seeing a psychiatrist for a while. I think that was at the beginning

of 2015. At that point, I had already been thinking for a while that if the situation didn't improve I would leave; actually, around January or February I had my lawyer prepare me a divorce agreement. I wanted to wait a little bit, also because at the beginning of March she was going to help me out with the process for a very complicated company merger, which was very lucrative. Once that project was over, also in March, she told me that she was exhausted and that she couldn't do it anymore. She told me that she wanted to have children; she asked me if her mother could come live in our house; she asked me to stop visiting my mother; and she told me that from then on she wasn't willing to have relations and that I couldn't count on her to help me with my work projects anymore. I seized the opportunity and told her clearly that I wanted a divorce. She was shaken because she didn't expect it, but I was tired of her hysteria and I wasn't willing to complicate my life to such an extent. The divorce was consensual, and it was declared in the month of September. She still lives at our conjugal domicile in Rome, and I moved back in with my mother.

J.- We didn't have children because we almost always contracepted. Regarding the issue of children, as I said, I never excluded them. In the beginning we agreed to postpone; we were young and we wanted to get settled first. But I must add that as she got worse, I became more afraid that she might get pregnant. It would have been a terrible disaster: an incapable mother, with me having to take care of the baby alone! It was very difficult to reason with her; she would always just say that I was spending too much time with my mother, but what was I supposed to do when my wife would leave to spend the weekend with *her* mother? Shouldn't I have taken care of my mom too, since she was in Rome and was also on her own? I thought it was just stupid jealousies, but they show that Irene was not mature and she never was. Regarding my laundry, yes, sometimes I did have my mom do it just because she wanted to.

K.- (...) Irene was seeing a psychiatrist after our wedding, too. She didn't tell me this, but her friend Eleonora did, in the beginning of 2015. At that time, I searched the house because I was convinced that she had gone back to drinking and drugs, but she was sneaky and didn't leave anything around. When she got back from Celano she was destroyed, and I thought that she must have also been drinking on those occasions (...). Some of her party-friends and colleagues ended up in really bad shape; you can't just recover from that lifestyle, so she was in kind of the same situation.

L.- (...) Nothing to add regarding witnesses. I know Eleonora; she is Irene's friend. I don't know what Irene told her about, but she has a good head on her shoulders and she also told me that my wife was seeing a psychiatrist (...) I haven't remarried, nor do I have a stable partner. I have never thought about introducing a canonical cause because, with all due respect, it doesn't mean anything to me (...). Irene is not trustworthy in the least; I don't know how much of this is the fault of her evident addictions, but she is just creating a fake version of reality, of her own reality.

3.- Lorenzo Baldini, witness (*ex parte conventi*)

A.- (...) I am a friend of Felix's; we went to the same school, we both studied economics at the Sapienza, and then we both did a Master's at the LUISS. We still get together. I met Irene through Felix. I consider Felix to be absolutely credible. Out of respect for Felix, I can't say the same about Irene. However, I must acknowledge that I have always had a soft spot for her, and that she seemed to me to be an honest person.

B.- I don't remember when they started their courtship, but I think that it was in the spring of 2010. She was in her third year of college, and Felix had started working. Irene was one of those natural beauties who immediately grab your attention. It was a bit bizarre, but some guys even bet on who would be the one to tame her. Felix confided in me that he would

meet up with her every so often towards the end of her second year, before he left for his summer in Ireland. I was shocked, and I thought it was just something temporary. I told him, and I apologize for my vulgarity here, to just enjoy his crush until she got tired and moved on to the next candidate. At that time, Irene had a little bit of a reputation as a *femme fatale*. Because of that, their courtship was a surprise to everyone.

C.- I know that during her first years in college, Irene led kind of a disordered life. She was a good, exceptionally intelligent student, but she was kind of with a bad crowd. Let's just say they were kids from good families who only thought about having a good time. I saw Irene under the effects of alcohol and smoking joints more than once. I know that Felix knew about this (...). I know that Irene needed to go to the emergency room one evening in June of 2008; I was present at that party. She had drunk so much, and someone probably put something in her drink. That happens sometimes, unfortunately (...).

D.- (...) On the night of December 31, 2009, Irene was in a car accident in Milan together with some other kids. I was very good friends with one of them and his father called me the next morning to inform me of the accident. Fortunately, none of them was seriously hurt, even though the car was totally destroyed. Unfortunately, that had crashed into a van and the driver spent more than ten days in the hospital, with a very serious prognosis. In the end, he recovered, although he lost partial mobility in one leg. I told Felix immediately, if I remember correctly. After the accident I never again saw Irene touch a joint or a glass of wine, to be honest. She told me herself a few months later that the accident had made her think and that she realized it was time to stop making messes. In fact, I think that Felix got even closer to her because of that, because of seeing the change in her.

E.- I don't believe Irene was ever hospitalized for a psychological problem at that time. Felix assured me that there were instances, but I am unaware of them. So, aside from that episode at the emergency room where she had essentially drunk too much, I can't think of anything else (...). After the wedding, Felix called me more than once, and we also met up. He told me that Irene wasn't doing well, that she was very depressed. After the divorce, Felix also told me that Irene was dependent on her mother (...). I don't think that Irene had psychological problems. She was kind of a senseless girl those first years, but she wasn't crazy. I repeat, after the car accident she completely turned her life around (...). I remember that she was very stressed and anxious about her mother's health during her third and fourth years of college, and she would often go see her in Abruzzo. She told me herself that, following the advice of some girlfriends, she had gone to see a psychiatrist or psychologist to help manage her anxiety a little. That didn't seem abnormal to me, considering that she was doing her studies at the university and also learning German (which she had started studying her first year), working, getting extremely high grades, taking care of her mother, and helping her mother run the store; during her third year, she also began volunteering with Caritas. In my opinion, she was a very strong person. I think that she had normal levels of anxiety, but I'm not an expert (...).

F.- I met up with Felix several times prior to the wedding. On the one hand, he liked Irene; actually, I think that he didn't want to lose her. This was both because he was physically attracted to her, and because Irene showed that she really understood him and she had also helped him out professionally, as he himself told me. But he was very dubious about a couple of things, to be honest. With regard to children, he intended to have them; however, he also said that he wanted to enjoy his life a little bit first. I don't remember him ever expressing anything that would contradict that. Actually, he told me that one of the things that was pushing him towards marriage was precisely being able to have children, because children can give you security in old age. I do remember, however, that he told me on Saturday night, so the day before the wedding, that he was marrying Irene reserving to himself the faculty to divorce her in case things went poorly. This was not a surprise; as

friends, we knew that he was strongly critical of the traditional idea of marriage. Actually, I remember some arguments he had with a friend who ended up entering the seminary. They had heated arguments about whether or not it was possible for Catholics to get a divorce. He would have never married in the Church if it wasn't for Irene, but she told him that either they were getting married in the Church or they were not getting married at all (...). Of course he wanted a marriage that could be dissolved; that's how I've always understood it. He didn't understand indissoluble marriage at all, so to speak. He told me that more than once, and he told me both the night before the wedding and at the end of the reception, saying that it was all very beautiful and if it lasted, so much the better, but if things went poorly, he would have reserved the right to end it all (...). Felix even told me that he had gone to a notary prior to the wedding to put this intention of his down on paper (...). He also told me that he was afraid that Irene would fall back into alcohol and drugs, and that he was unwilling to complicate his life that much. I reassured him at the time, reminding him of how much Irene had changed, as he himself knew, and how she had been clean for over two years (...). Felix has great personal qualities, but he is a very insecure person, and he is also very pragmatic. He evaluates things according to the profit or interest that he can derive from them (...). Felix doesn't want to limit his freedom; he won't admit when something is out of his control. At the same time, and I'm sorry to say this, but he doesn't like to complicate his life. The greatest good in his mind is to keep his hands free and not to complicate his life with any factors that don't depend on him. I think that his approach to marriage was a reflection of that.

G.- I was present at the wedding reception. Everything went well. They left on their honeymoon on Sunday, because Irene's mother wanted to attend Pope Francis's first Mass with her daughter (...) I would say that Felix was happy those first few months. He would say that, with Irene, he didn't have to think about other women; she took care of the house well, and was a most effective ally for his business. In fact, Felix had become the manager of an important company, and Irene proved to be an excellent partner, both organizing some company events and also being an expert consultant in corporate law (...) It was only later that Felix told me about Irene's obsession with children, about how much time she spent with her mother. He complained a little, but felt satisfied overall (...).

H.- (...) I got together with Felix in the fall of 2014. He told me that Irene seemed to have changed a little: that she was colder and more distant. He was afraid that she had gone back to drinking, or that she was sleeping around. He was a bit jealous, and he wasn't about to let that happen, so he was thinking about divorce and had already contacted a lawyer. I encouraged him a little to keep going. In March of 2015, Felix called me, essentially saying that Irene wanted to stop helping him out at work and that she had become unbearable, so he left and was going to ask for a divorce. The divorce happened the next fall. Since then I haven't spoken with Irene, out of loyalty to Felix. From what he has told me, she continues to live in the conjugal home. According to Felix, she needs psychological help because she is addicted to substances.

4.- Immacolata Boldrini, witness (*ex parte conventi*)

A.- I am Felix's cousin. I am unmarried. I consider my cousin to be a sincere, honest, and credible person. I do not believe the Petitioner is credible. I have always spent time with my cousin. I met Irene when Felix introduced her to me once in Rome (...) Felix is an only child. His father left with another woman, leaving Felix and his mother in a very difficult financial situation.

B.- Prior to the wedding, Irene had some fairly serious psychological episodes that required specialized medical intervention, in addition to therapy from a psychologist. I know this because my aunt, Maria Grazia, Felix's mom, told me, explaining that Irene had also had

problems with drugs and she didn't understand why Felix was still in love with her (...). I know that Irene was hospitalized because of substance abuse at the end of June 2008; my aunt also told me that. I wouldn't know whether Irene was specifically hospitalized in a psychiatric facility, nor where or for how long. But she did go to the hospital several times. She also was seeing a psychologist; Felix told me that and Irene also confessed that to me one day when we were alone at Felix's house (...). Irene never overcame her problems with addiction. Felix spoke about this with me many times (...). In Irene's life, her mother was everything. She would spend every weekend, and sometimes the entire week, with her. In my opinion, it was an out-and-out dependence. Something was definitely wrong!

C.- Irene wanted to have children at all costs. This is shocking to me because she is absolutely unprepared to become a mother. Felix, too, intended to have children, although he wasn't convinced about having them immediately after the wedding. But he definitely wanted children; that's what he told me (...).

D.- (...) Felix asked me once to go with him to see a notary. This was around the beginning of March, 2013. He made me swear that it would stay between the two of us, in the family. He said that he wanted to declare in writing, before the notary, that he was going to seek a divorce if things with Irene went poorly. At that point, considering that it was just days before the wedding, I told him to get out of it, but he told me that things were too complicated and that he did like Irene and that she had proved to be an excellent helper at his work, that he had made a ton of money thanks to her and didn't want to lose her, and that marriage was the only option because she wouldn't accept cohabitation or merely civil marriage. He would have wanted everything to go well, but above all he didn't want to get stuck with his hands tied. I went with him as he asked and was present for his declaration. Once we left, he insisted, saying that marriage to him wasn't a contract that would bind him for all eternity, but that that was a thing of the past and he wanted something else for himself (...). I have never spoken about this to anyone, out of loyalty to him (...) Felix was one of those people who want to have everything under control. So, for him, many things might be nice, but what really mattered to him was being in control of his life.

E.- I was present at the wedding. They postponed their departure for Mexico because her mom wanted to go St. Peter's with her daughter! (...). Felix told me that, at his insistence, they chose to keep separate finances.

F.- After the wedding we didn't really keep in touch, to tell the truth. There was just one time that I went to their house for lunch; I think it was a few months after the wedding. That day Irene was kind of busy because she had just gotten back from Celano and she needed to organize an event at a building in the city center for Felix's company that would have around 300 people in attendance, so she didn't talk much (...). In the month of June 2015, Felix told me that he had asked for a divorce. I wasn't surprised at all. I was more surprised about how patient my cousin had been.

5.- Maria Grazia de Santis, witness (*ex parte conventi*)

A.- I am Felix's mom. I am a housewife. I am divorced. I do not practice any religion. I consider my son to be an honest and truthful person. As for the girl, well, I think she is kind of a liar based on her attitude in this process.

B.- (...) Felix had spoken to me about his girlfriend, but I met her when he brought her by the house in the spring of 2010. Basically, they were working on I don't know what in the afternoon and then she stayed for dinner. I didn't like her. Expensive clothes and perfume. She talked too much. She was wearing a mini-skirt that didn't belong anywhere near a good girl. Now, I must say that I have never seen such a beautiful girl in my life. I was struck by

the fact that she didn't turn down champagne, or red wine, or white wine, or two glasses of grappa. Only afterwards I learned from Felix that she had an alcohol problem and that she would get drunk. Her mother lived alone in Celano. I know that because Felix told me a few days before that dinner, when there was an earthquake. He told me that Irene was from a town pretty close to the epicenter.

C.- (...) I remember one time when they both came to visit me; they were already married. I'm not sure how, but we started talking about her mother. Felix hinted at the possibility of finding her a caregiver, but she started yelling, saying that he shouldn't be saying anything about that. She kicked the chair and was out of there as quick as lightning. She was probably drunk (...). I witnessed scenes of this nature three times: once at my house, once when we all went out to dinner together, and once when we went to the theater. She would yell and say all sorts of things. In my opinion, that is not normal.

D.- There were hospitalizations. Felix told me about them. She was under the care of a psychologist prior to the wedding, and also after the wedding she wasn't doing well. She was depressed and had a prescription. I learned this from Felix, who told me about it (...). No, I don't know the specific details of those hospitalizations. Felix was reserved and wouldn't give too many details. I think that it was a struggle for him (...) That girl had problems; she was unstable. In my opinion, she was an alcoholic. Felix wasn't able to see it, or maybe he saw it but chose to suffer in silence.

E.- (...) Felix wanted to get married. He wanted to have children. He told me that he couldn't wait to make me a grandmother (...) It is not true that I told Irene that my son was unprepared to be a father. I told her that both of them needed to evaluate when to have children and how many to have, and that they were young (...). Regarding divorce, I think that he didn't exclude the possibility. I am divorced and I taught him that it is better to live alone than in bad company. It shocked me that he was getting married in the Church because he was not a believer, but he told me that Irene wanted to do that for her mother (...). Felix told me shortly before the wedding that he had gone to a notary to expressly declare that he would take recourse to divorce if things went poorly based on his criteria. He confirmed to me that he had chosen to maintain separate finances (...).

F.- They told me in the fall of 2012 that they were getting married. I supported their decision but I had doubts about Irene. She was a girl who looked just about like a streetwalker, and who drank and did cocaine and other drugs...Go figure! But Felix told me that I was wrong, that she had changed. The wedding was celebrated on March 17, 2013, on a Sunday. I met her mother on Saturday, who had come down from Celano. The following day she wouldn't leave her daughter's side. They left for their honeymoon late because her mom had an audience with the Pope on Wednesday and she wanted to go with her daughter. I'm not sure whether Felix also went, but I don't think so (...).

G.- After the wedding, I saw them a few times when I would go to their house for dinner, always on a weeknight. He would get home tired from work, eat on the fly, and then close himself up in his study. He worked for an important company. She would disappear on the weekend and Felix would come over to my house. He immediately began to complain about this attitude (...). Felix would bring me his laundry because he said that he only trusted me with things like that, and that Irene wouldn't know how to do it properly. I understand that this really bothered Irene, but you have to take the initiative to do your job well (...). I never asked about children. I thought that was their business, not mine (...) No, I don't believe that she ever had an abortion; at least, neither her nor Felix ever mentioned anything about that (...). I went to their house for dinner on the occasion of their first wedding anniversary. Irene reacted like a hyena. Probably she was under the influence of alcohol. She closed herself up in her room and told Felix that if he wanted dinner he could go get a *kebab* or

something like that. Felix was the one who had to go get take-out. I left in a taxi. That girl was not normal (...).

H.- At the beginning of 2015, I'm not sure exactly when, Felix came to tell me that he had been thinking about getting a divorce for weeks. He told me that he didn't trust Irene, that maybe she was cheating on him, and that she had become more of an obstacle and source of concern than a person he could share things with. He was afraid of the possibility that she would get pregnant because he was unwilling to care for a crazy wife and a child (...) Felix showed up at the house with his suitcases one day in March. He told me that he had decided to get a divorce and that Irene had definitely become a burden, so he needed to pick his life back up rather than destroy it. He has lived with me since then. I haven't heard anything from Irene. I'm afraid that that girl is an alcoholic again.

6.- Eleonora Grazioli, witness (*ex parte actricis*).

A.- I am Eleonora Grazioli, a friend of Irene's. I consider Irene to be a sincere and trustworthy person. From what I know of Felix, he also seems to be an honest person. I met and spent time with them both at the university, in Rome. I was better friends with Irene, and we still keep in touch.

B.- (...) Irene moved to Rome from Celano. She had gotten a scholarship at the LUISS, where I also studied. She was very intelligent and was capable of performing at a high level. We immediately became friends, and we are still friends (...) Irene came to Rome wanting to enjoy life. For her first couple years of college, she let herself get carried away. It was constant parties, excess, nightclubs, drunkenness, and binges. Our environment was mainly people with financial means, and she belonged to a group of rich kids who seemed like they lived at the club and thought only about getting drunk. I tried to get her to think a little bit, but she told me that she had things under control. She got high grades and helped her classmates. And she was very beautiful and attractive. I think that opened a lot of doors for her in that environment. At the end of that first year there was a party on the beach in Ostia with rivers of alcohol, all the marijuana you could want, and she ended up in the emergency room. For New Year's in 2009, in Milan, coming back in the early morning from one of those wild evenings, the car she was riding in crashed into a van. There were six of them in the car, and they were all just totally wasted. Nothing too bad happened to them, but the guy that was driving the van ended up in the hospital and was in bad condition for several days. From that moment on, Irene changed paths in a very deliberate way, and I can attest to that. She called me totally destroyed and told me that she couldn't continue on like this. She gave up marijuana, which she had started smoking her first year, and she stopped drinking. Since then, I haven't even seen her even so much as touch a beer, to this day.

C.- Irene started dating Felix in the spring of 2010. She was so happy when she told me. They seemed to understand each other very well, also because Irene had helped him with a few projects that had gone well and Felix was happy. Irene couldn't wait to get married and have kids, although she told me that Felix was absolutely closed to the idea and that he didn't want to even talk about having children. I told her that she needed to really think about it, but she told me that she had hopes that he would change his mind (...). I spoke about this with Felix a few times, always in the presence of others, and it is true that he would be evasive in his answers, saying that he first wanted to enjoy his life. It was only while we were leaving a dinner that Felix told me that he didn't want to have children, and that Irene knew that (...). Felix was a very intelligent man, but in my humble opinion the most important thing for him was having control of his own life. He was insecure and practical at the same time. He always wanted to have a back-up plan (...) I heard Felix say several times that he thought of divorce like a warranty.

D.- I don't believe that Irene was ever hospitalized. I would have known about that because we were really close friends (...). I can absolutely rule out the possibility that she ever had any psychological pathology or disorder. She was a girl who had converted, so to speak, after some careless teenage years and some messes at the beginning of university. Actually, I would consider as proof of her maturity the fact that she changed her life after the New Year's car accident. That was precisely what pushed Felix to formally ask her to be his girlfriend a few months later, because Felix was afraid of tying himself up with an unstable girl who could cause problems for him (...). I can absolutely rule out the possibility that she was addicted to drugs or alcohol. She was simply a girl who had messed up a little, like so many people do, but who had gotten back on the right path (...).

E.- Starting in her first year she worked as a waitress a few nights a week because her scholarship did not cover room and board. After the 2009-2010 school year, she worked even more; during that time, she worked every evening and also tutored high school students who weren't doing well. In the mornings she had her classes and seminars. And also German, which she started studying at the Goethe Institute during her first year. At a certain point she also started to help out at Caritas. Starting in September of 2010, her mother's health got worse; she had diabetes and Parkinson's. She would go back to Celano on the weekends to help her, and to help with the store. Sometimes she would also go on school days, and sometimes she spent the entire week at Celano. This was very exhausting for her, and she was very anxious and nervous. I was worried. A few of our friends were worried that those circumstances would make her go back to using marijuana to get relief from the stress, so I suggested that she go see a psychologist. She accepted, and went. Her problems and commitments didn't go away, but she was able to handle them a little better (...). After graduating with the highest honors, she did an internship at a very prestigious law firm in Rome from 2011 to 2013. The partners told her that they would be counting on her after she passed the bar, which she passed in the fall of 2013.

F.- We got together on several occasions during the last year of college. I would often go visit her. I was so happy to see her so successful, even though every so often she would let slip a little complaint about Felix's attitude with regards to children (...). She continued to help him with some events (...). During her internship we saw each other a little less, but in the fall she told me that she was getting married and she was really happy. She wanted to get married in the Church, mostly on account of her mother, and I encouraged her. At the same time, she confided in me that she didn't want to cohabit but that she wanted a religious wedding. This was because, in spite of everything, that was what most corresponded to her expectations. I suggested that she attend the pre-marital course at St. Mark's. I was hoping that she would come back to the Faith a little bit, also considering that she had been going back to Sunday Mass since January of 2010 (...) Felix would not have chosen to have a religious wedding, as far as I know. I imagine that she was the one who insisted on this (...) I attended the wedding. Everything unfolded normally, and they went to Mexico on their honeymoon. They stayed in a luxury hotel for free because she knew the owner's son (...).

G.- From June of 2013 to May of 2014 I was on a research stay in the United States. We would talk on the phone. She told me that Felix continued to be closed to the idea of children. I tried to encourage her. I knew that she was also helping Felix out with his company events as an official consultant, and that Felix was happy and proud because he had landed some very lucrative business dealings. She told me that she hoped that would get him to budge on the issue of children. She told me that her relationship with her mother-in-law was not good. Around March of 2014 it was very difficult to talk to her; it almost seemed like she didn't want to, and I was almost always the one who called. Something wasn't right and I knew it. I got back to Italy at the end of May and I met up with her in early June. At that time, she confided in me about her problems with Felix: his refusal to have children, his attachment to his mom, distance, coldness... I was alarmed because she seemed very

depressed, and I told her that she had to do something. She didn't want to confront Felix directly; she was hoping he would give in. But she was highly depressed. She went to see the same psychologist she had first gone to during her last year of college. She did a little bit of therapy with him for about a year. In the beginning of 2015, I decided to take a risk in order to get things moving. I called Felix and I told him that his wife wasn't doing well and that he needed to meet her halfway. He thanked me. But then in February I saw that things hadn't improved much and Irene was close to her breaking point. I told her plainly that for the sake of everybody they couldn't keep going on like that, and that she needed to talk to Felix.

H.- (...) Irene told me about her abortion. She came to my house the day after, crying. She had gone alone. She has never forgiven herself for that. I would consider this to be a sense of guilt that she still carries with her, like an infection (...).

I.- Irene called me the day after Felix left. She was destroyed, and surprised by Felix's reaction. She told me that she had asked Felix if they could bring her mother to live with them, if they could have a child or else she wanted to stop having sex, and that she was no longer willing to work for him. She told me that Felix showed her a divorce agreement that had been prepared by his lawyer weeks prior, and told her that he wanted to take care of it peacefully and the best thing was a consensual divorce. Felix abandoned the conjugal home, and they divorced in September of 2015. She and I have kept in touch. I have not kept in touch with Felix as much, since I was mostly friends with Irene. Felix called me once and wanted to ask me for information because – this is what he told me – he had proof that Irene was still using marijuana. But I told him that I didn't remotely think that was the case. That was the last time we talked.

7.- Dr. Mariano Fanelli, witness (*ex officio*).

A.- I am a psychiatrist. I am aware that the Petitioner signed a waiver. I had the Petitioner under my care twice. First, from mid-February 2011 until June of 2011. Second, from June of 2014 until September of 2016.

B.- During the first period, Mrs. Romagnoli came to me for problems relating to anxiety, stress, and difficulty sleeping. From her clinical history, there appeared to have been an emergency room visit on June 28, 2008, due to acute intoxication and marijuana. She herself told me that her lifestyle was a little disordered, but that in January of 2010 she had decided to change her life. During the months of February and March, I met with her once every two weeks, and at times I also ordered blood and THC tests, which she needed to complete immediately, in order to ensure that there was no cannabis in her bloodstream. The results of these tests were always negative. I prescribed her some anti-anxiety medication and also a medication for sleep. At our fourth session she told me about her abortion, and you could see that this was a source of great pain for the patient. In April, May, and June we had monthly check-ups, and by June everything appeared to be in order. We had worked on some strategies for handling anxiety, getting a good night's sleep, and avoiding caffeine since she had some anxiety. I think that significantly less treatment would have sufficed, but I wanted to exclude the possibility that there was any type of dependence on substances.

C.- During the second period, Mrs. Romagnoli was presenting with depression, along with isolated episodes of anxiety. I prescribed her a few medications and we set up a schedule of monthly sessions. There was a significant conflict between her and her husband over the topic of children, since she expressed that she had married in part so that she could become a mother. She also had very strong feelings of guilt about the abortion in 2011. Those were the principal facts that emerged during our sessions. To those were added tensions with her mother-in-law, the need to assist her own mother, and an attitude of coldness on the part of

her husband. In the spring of 2015, I recommended that she consider whether these circumstances could change. In the month of May, she informed me of the divorce. Our sessions concluded in September of 2016.

D.- I can exclude the possibility of the existence of any more significant psychological pathology in the Petitioner prior to the wedding, and likewise can exclude the presence of any complications falling outside the range of psychological normalcy. This is not to say that she does not have weak spots. Likewise, there were no pathologies or complications of that sort after the wedding, beyond symptoms of depression and anxiety owing to the failure of her married life, and specifically her inability to become a mother (...) Rather, she strikes me as a strong-willed person with a notable capacity for resilience.

8.- Lawyer Carmen Delpino, witness (*ex parte actricis*)

A.- Ms. Romagnoli was hired by our firm as a legal intern from 2012-2013. She had attained optimal marks at the LUISS and had come recommended by a few professors there. Her internship yielded optimal results. She never had an unjustified absence. She had exceptional professional abilities, and likewise was excellent at working on a team with others and working with difficult personalities. She was immediately hired to work in our corporate law sector, which entails constant pressure and stress; you are dealing with many negotiations where your deadlines depend on the rhythms and demands of private clients from around the world. She received excellent evaluations from her colleagues and from the other interns. At the end of her internship, we offered her a job conditional to her passing the bar, and so she joined the firm in 2013. She asked us, as a condition, whether she could take a few afternoons off in order to be able to help care for her mother and dedicate time to her home and her husband. We accepted this condition because we didn't want to lose out on a candidate like her.

B.- I do not believe there was anything strange that could be attributable to anything psychological. I can tell you that our firm has all of our interns and junior lawyers undergo a medical examination twice a year, and that one of those times includes a psychological examination. All of her results were normal. Two times a year, on a date unknown to them, we also do a blood test and drug analysis. Mrs. Romagnoli always received a negative result on these tests.

9.- *Peritia ex officio*

A.- I met with the Petitioner in my office on November 6, 2019, at 10:00 am (...). With regard to my methodology, I carried out a diagnostic interview and examined the acts of the case. I did not find it necessary to administer any tests. Identity was verified by means of a photo ID. I will now proceed to explain my results and respond to the questions posed to me (...).

B.- (...) Although I did not find any major psychiatric pathologies or strict, defined disorders that would fall under the classical clusters, a holistic view of her psychological framework leads to the understanding that the Petitioner's personality was insufficiently structured at the time of the wedding. In my humble opinion, Dr. Fanelli did not carry out such an evaluation, but merely limited himself to very concrete aspects that prevented him from seeing the true scope of the problem (...). The acts speak of hospitalizations in psychological facilities, which the witnesses are aware of, given that episodes of intoxication required a hospital stay.

C.- (...) We can pick up on a strong attachment to the mother, who became a point of existential reference for the Petitioner. The Petitioner chooses and decides, not

autonomously, but in function of her mother's expectations. The witnesses speak of this damage, and the Petitioner admits to it. This relationship expresses dependent traits (...).

D.- The Petitioner had a precocious initiation into sexual experience and demonstrated promiscuous activity during adolescence and university. This makes us think of narcissistic traits. The witnesses acknowledged the Petitioner's erotic capital and how she was aware of it. On top of this there was her abusive consumption of alcohol and narcotics, as all of the acts of the cause demonstrate. These elements point to a clear maturation deficit and an imbalanced structure that is marked by insecurity. The Petitioner seeks sexual relations and distractions to flee from her mother figure. The absence of a father figure beginning in childhood, and a relationship partially characterized by an "Electra complex" explain this disinvolvement in the sexual realm and de-constructs, from the beginning, the Petitioner's relational sphere. Looking to narcotics is evidence of a lack of personal resources to take on the normal demands any person would have during their years at university. When faced with ordinary stimuli, one reacts by seeking out security in different forms of avoidance.

E.- The obsession with children marks her interpersonal relationships with imbalance and obstructs the normal establishment of an interpersonal understanding. The relationship is reduced to one aspect alone, which becomes the central object of desire of the Petitioner. This obsession leads to normal conflicts when faced with the impossibility of attainment, producing in the Petitioner that which the clinician who had her in his care defined as depression. The continual and pervasive remorse over her abortion can also be localized in this obsessive tendency, and manifests the Petitioner's underlying insecurity.

F.- (...) At the time of the wedding, the Petitioner was undergoing an holistic deconstructurization of her personality, with dependent, narcissistic, and obsessive traits, combined with an Electra complex, with abnormally detached conduct in the sexual sphere, and with a tendency toward the abuse of narcotic substances, which increased her problems; some form of substance dependency persisted over time. In this context, I believe it would have been very difficult for the Petitioner to establish a balanced and healthy interpersonal relationship in which the other was a subject-end rather than an object-means to serve the attainment of her goals (...).

Rome, November 7, 2019 (given to the Tribunal on November 8, 2019).

10.- Notarized Declaration

A.- (...) The declarant expressed that regarding the marriage that he is going to celebrate with Ms. Irene Romagnoli on March 17, he positively intends to reserve to himself the faculty of employing all provisions that the legal system can offer him, whether in Italy or abroad, in order to regain his initial freedom. In particular, the declarant expressed that regarding the marriage he is going to celebrate, he intends to seek a divorce should the married life not satisfy his expectations (...).

B.- Upon the explicit request of the declarant, Mrs. Immacolata Boldrini was present to witness this manifested will on the part of the declarant (...).

Rome, March 8, 2013.

11.- Certification from the Giovan Battista Grassi Emergency Room

(*summary*) It is hereby attested that on June 28 at 3:54 am, the patient Irene Romagnoli, of legal age, was admitted to the Emergency Room with symptoms of heavy ethanol poisoning and alcohol intoxication. She appeared to be unconscious, lacking a reaction to stimuli and

with depressed respiration. Those with her stated that in the hours preceding she had presented motor difficulties, double vision, hypothermia, and nausea. Blood tests showed a blood-alcohol level equivalent to 2.9 gr/L and the presence of marijuana. Prescribed administration of fructose 1.6-diphosphate, thiamine, metadoxine, and pyroglutamic acid. Administration of small doses of insulin and glucose for hypoglycemia. The use of naloxone assists the patient with waking. The patient responds to stimuli and was dismissed from the hospital at 11:09 am the same day.

12.- Certification from the San Camillo Forlanini Hospital of Rome

(summary) It is attested that on January 31, 2011, a voluntary interruption of pregnancy was effected for the patient Irene Romagnoli, of legal age, by means of out-patient surgery with the prior administration of anesthesia. The patient was in recovery at 10:16 am, and was discharged at 5:22 pm the same day.

X.- Sentence (*Vicariatus Urbis*)

FACTI SPECIES (*omissis*)

IN IURE

(...)

Concerning the incapacitas assumendi onera coniugalia (can. 1095 CIC).

4.- From a psychological perspective, in order to give valid consent it is necessary that the contracting party be capable of self-giving to the other party. This capacity rests on a reasonable possibility of using the intellect and will in order to concretely choose and embrace the obligations arising from the conjugal bond (cfr. can. 1057§2 CIC; can. 1055 CIC). Whoever marries, then, must be in possession of a discretion of judgment that is proportional to marriage, which requires not only the mere faculty of abstractly appraising the essential obligations of marriage, but also a *iudicium practicum-practicum* regarding the bond to be contracted *hic et nunc*. Therefore, this *discretio iudicii* harkens back to the real faculty of self-determination with respect to the particular consortium at hand (cfr. *coram* Erlebach, sent., diei 4 iunii 2009, RRDec., vol. CI, pp. 138-139, n.4). Consequently, when one gravely lacks this discretion concerning the essential obligations (cfr. can. 1095, n. 2 CIC), they marry invalidly, because they lack precisely that juridical capacity to give true consent. Sometimes, alcoholism can generate a true cause of a psychic nature from which this defect of discretion can arise (cfr. *coram* Stankiewicz, sent., diei 14 decembris 2007, RRDec., vol. IXC, pp. 377-379, n. 22).

5.- Such a defect of discretion must be grave. According to rotal jurisprudence, this must be evaluated according to two rules. There is first a subjective rule, in the sense that in order that this defect be grave it is necessary to evaluate the psychological condition of the contracting party. As a premise, in order to commit oneself it is necessary that the contractant have both an intellectual capacity with regard to the obligations, in addition to a capacity to judge them and choose them through a *iudicium practicum-practicum*, together with sufficient internal freedom. Lacking a psychological anomaly, it will be difficult to prove the defect (cfr. *coram* Monier, sent., diei 10 iulii 2009, RRDec., vol. CI, pp. 212-213, n. 5).

6.- For the purposes of proof, the depositions of the parties and witnesses are of fundamental importance, particularly at a non-suspect time, and above all with regard to the behavior of the allegedly incapable party and their psychological constitution. The work of an expert is of great value in order to appropriately evaluate the source of said incapacity (cfr. *coram* Alwan, sent., diei 19 februarii 2008, RRDec., vol. C, p. 73, n. 13).

Concerning the exclusion of indissolubility (can. 1101, §2 CIC)

7.- Can. 1101, §2 CIC establishes that when one of the spouses, by a positive act of the will, excludes marriage itself or one of its essential properties, he or she contracts invalidly. It is well known that one of these essential properties is the indissolubility of marriage, regarding which the apostolic constitution *Gaudium et Spes* n. 48 affirms: "(...) by that human act whereby spouses mutually bestow and accept each other a relationship arises which by divine will and in the eyes of society too is a lasting one. For the good of the spouses and their off-springs as well as of society, the existence of the sacred bond no longer depends on human decisions alone (...) As a mutual gift of two persons, this intimate union and the good of the children impose total fidelity on the spouses and argue for an unbreakable oneness between them". As authoritative doctrine has highlighted, indissolubility embraces three levels: the stability of the bond, its perpetuity, and indissolubility strictly speaking. In the first of these, the contracting party does not intend to establish any sort of stable bond; he or she intends something that is not a stable consortium (cfr. can. 1096 CIC). In the second form, the contracting party, despite assuming a stable consortium, considers it and wants it to be not perpetual but merely *ad tempus*, whether determined or not, but in any event not projected towards a permanence lasting until death; such permanence is not viewed as a good, even an arduous good, by the party who excludes. In the third form, the contracting party intends to contract a stable and perpetual bond, and therefore wants for him or herself permanence until the end, but at the moment of contracting he or she reserves a radical juridical power which he or she will unilaterally exercise, on his or her own or by means of another authority, intending to dissolve the bond contracted (cfr. P-J. Viladrich, *Il consenso matrimoniale*, Giuffrè, Milano 2001, pp. 408-421).

8.- It is not sufficient to merely have a "divorce mentality" or hold a favorable opinion of divorce; these are intellectual convictions that remain in the intellect and do not necessarily affect the will. It is necessary that the contracting party intends, for him or herself, to positively reserve the power to dissolve, which he or she positively intends to apply to his or her marriage in the event of certain circumstances or causes. Regarding these motivations, Rotal jurisprudence is constant in reaffirming that "*haec causa motiva tandem aliquando in dubio circa compartis personales qualitates fundari potest, ex quo nupturiens gravi formidine atque perplexitate pollet circa felicem interpersonalem coniugalis consortii communionem; aut in causa directe externa, puta si quis contrahit quia non vult parentibus contradicere, vel bonam famam aliter ac coniugii medio servare non potest (...) manente proposito in casu infelicis exitus e vinculo efugiendi*" (coram Pinto, sent., diei 27 martii 2009, RRDec. Vol., CI, p. 37-38, n. 6). In our current, secularized context, it is more and more frequent that contractants who are baptized but not practicing "*generatim matrimonium existimant uti unionem sexualem communionemque vitae in quacumque re ad utriusque partis libitum constitutam habent vel leviter ad coniugium accedunt rati se posse, in peculiaribus difficultatibus in ducenda iugali consortione, ad separationem divortiumque transire seu recurrere (...)*" (coram Turnaturi, sent., diei 14 maii 2009, RRDec., vol. CI, p. 97. n. 9).

8.- With regard to the proof of exclusion, the confession of the party that allegedly excluded is of significant value, whether this be a judicial or extrajudicial confession manifested at a non-suspect time, which must naturally be evaluated in light of the criteria established in canons 1536 and 1678 CIC. The credibility of the parties is also of great importance, especially with regard to the party who excluded and who confesses to the exclusion. This represents the direct proof of the exclusion. Together with this direct proof, the so-called indirect proof also attains a significant role among the proofs, which consists in the comparison between the motives that led the party to contract and the motives that appeared relatively stronger which motivated the party to simulate and falsify the nuptial sign: "*pensitanda et comparanda sunt motiva propter quae adsertus simulans ad matrimonium accessit, id est, causa contrahendi, et illa propter quae simulationem consensus patravit, id causa*

simulandi: solummodo si haec super causam contrahendi pravaluerit, concludi poterit pro nullitate” (coram Sciacca, sent., diei 15 maii 2009, RRDec., vol. CI, p. 113, n. 12).

(...)

IN FACTO

10. Concerning the credibility of the parties, this Tribunal is in agreement about the Respondent’s credibility, given that the witnesses, and even a witness proposed by the Petitioner, admit to his honesty and sincerity (cfr. 3:A, 4:A, 5:A, 6:A). Even the Petitioner does not seem to deny his credibility, and nothing in the acts contradicts it (cfr. 1:L). On the other hand, two witnesses denied that the Petitioner is credible (cfr. 4:A, 5:A) and a third witness dares not even express their opinion (cfr. 3:A). The Respondent clearly expressed that the Petitioner is not trustworthy (cfr. 2:L). We must also consider that the Petitioner’s abortion clashes head-on with the Petitioner’s desire to become a mother, which she states was frustrated by the Respondent; the Petitioner does not provide a convincing explanation in this regard (cfr. 2:G, 1:H, libellus).

11-12. This Tribunal did not reach moral certitude regarding the ground of the exclusion of children, due to the following reasons (...). Consequently, all that is proven is the presence of a *prolis procrastinatio*, which *per se* does not render marital consent invalid.

(...)

13. This Tribunal has reached moral certainty on the ground of incapacity to assume on the part of the Petitioner. The *ex officio* expert’s evaluation was fundamentally convincing to this end; the expert affirms that: “(...) the Petitioner was undergoing a holistic deconstructurization of her personality, with dependent, narcissistic, and obsessive traits, combined with an Electra complex, with abnormally detached conduct in the sexual sphere, and with a tendency toward the abuse of narcotic substances, which increased her problems; some form of substance dependency persisted over time. In this context, I believe it would have been very difficult for the Petitioner to establish a balanced and healthy interpersonal relationship in which the other was a subject-end rather than an object-means to serve the attainment of her goals” (9:F). A cause of a psychological nature arises that renders the subject incapable of assuming the essential obligations of marriage. The expert report is methodologically solid and was completed on the basis of an evaluation and diagnosis, with the expert also having taken into account the acts of the case, and appropriately confuting the evaluations made by Dr. Fanelli (cfr. 9:A). This situation rendered the Petitioner incapable of assuming the essential obligations of marriage. This evaluation is also confirmed by reading the personal and clinical history of the Petitioner.

From the clinical perspective, all of the witnesses, the Respondent, and even the Petitioner herself admit to her abusive consumption of alcohol and narcotics (cfr. 1:A, C, E-F; 2:B-D; 3:B-D; 4:B; 5:B-C; 6:B, D; 7:B). Mrs. Romagnoli herself admits that this began in adolescence, and significantly increased during her college years (cfr. 1:A). At this stage, a conflictual relationship with her mother and the hole left by her father appeared (cfr. 1:A-B). Her college years, during which time the parties established their relationship and courtship, are described by the witness Ms. Grazioli as “(...) constant parties, excess, nightclubs, drunkenness, and binges” (6:B), in addition to sexual experiences that are hardly fitting for someone who desires to eventually marry (cfr. 1:C). Regarding this point, the acts are more than abundant, and they paint a picture of immaturity that rendered her incapable of marrying. Although the Petitioner and some witnesses affirm that, after the car accident in 2009, these habits changed and she stopped drinking (cfr. 1:E-F; 3:D; 6:B), the Respondent’s mother affirms that she saw her drink abundantly at a dinner while dating the Respondent and this would have occurred after the accident, in addition to having seen her drunk on two occasions after the wedding (cfr. 5:B, C, G), considering her to still be an alcoholic to date (cfr. 5:H). Witness Ms. Boldrini clearly affirms that: “Irene never overcame her problems with addiction” (4:B; cfr. and 5:F). The fact that the drug tests (cfr. 8:B) carried out at her place of work did not find any trace of substances is not a definitive element. The decision to have

an abortion appears to lack any motive, and in our opinion it is uniquely attributable to the Petitioner's immaturity and interior deconstructurization.

Furthermore, it is asserted that Ms. Romagnoli was hospitalized in psychiatric facilities, as evidenced by the expert report, and that her convalescences were due to the excessive consumption of alcohol and narcotics (cfr. 9:B). She also underwent psychological treatment for anxiety and stress, both before and after the wedding, in addition to depression, as affirmed in the acts (cfr. 9:B; 7:B; 1:G). These treatments clearly exhibit the condition of clinical fragility in which the Petitioner found herself. The decision to postpone the honeymoon at the mother's request also confirms her dependence on her (cfr. 1I; 3G; 4E; 5F); the Petitioner's rebukes of the Respondent for caring for his own mother is contradictory in light of the fact that she would be absent every weekend to care for her own (cfr. 1:J-K; 2:J). There is no explanation as to why the Petitioner, despite knowing the Respondent's position on children, did not end the relationship earlier in order to avoid the possibility of subconsciously getting married. All of these contradictions can be clinically explained in light of the results of the expert's evaluation, which reveals a personality incapable of a full, interpersonal relationship, and therefore incapable of assuming the essential obligations of marriage.

The cause of the marital shipwreck appears to be found in good measure in the Petitioner's tenacious quest for a child (cfr. 9:E; 1:K), as a sort of means of overcoming her fears and stitching up her own wounds. Her dedication to her mother and a certain level of jealousy towards her mother-in-law are also documented (cfr. 1:A; 1:F, H, J-K; 2:C, I; 4B; 5C; 5G; 6G). For all of these reasons, we maintain that this marriage is invalid due to the Petitioner's incapacity to assume the essential obligations of marriage.

14.- This Tribunal has also attained moral certainty with regard to the exclusion of indissolubility on the part of the Respondent. Concerning the direct proof, and hearkening back to that which was established above concerning the Respondent's credibility, the acts of the cause contain a judicial confession on his part. Before this tribunal, the Respondent affirmed, "(...) *I have always thought that marriage can end in divorce, just like any other type of commitment or contract. Nothing binds you till death, obviously! So, I was willing to avail myself of a divorce if things went poorly; I didn't conceive of or want an indissoluble bond*" (cfr. 2:F). To this confession can be added at least two extra-judicial confessions made at a non-suspect time. In the first case, the Respondent gave a notarized statement on March 8, 2013, declaring a few days before the wedding "(...) *that regarding the marriage that he is going to celebrate with Ms. Irene Romagnoli on March 17, he positively intends to reserve to himself the faculty of employing all provisions that the legal system can offer him, whether in Italy or abroad, in order to regain his initial freedom. In particular, the declarant expressed that regarding the marriage he is going to celebrate, he intends to seek a divorce should the married life not satisfy his expectations*" (10:A). The acts contain an authenticated copy of said declaration (cfr. 10:A-B). Regarding this declaration and its purpose, the witness Ms. Boldrini, who accompanied the Respondent and acted as a witness to the declaration, also provided testimony, stating, "*I went with him as he asked and was present for his declaration*" (4:D). From her deposition, it clearly appears that the Respondent's intention was to reserve to himself the faculty of using divorce or other analogous means in order to regain his freedom in the marriage that he was about to contract. The Respondent's mother, Mrs. De Santis, also confirms the existence of the declaration, and of the intention that inspired it (cfr. 5:E). The second extra-judicial confession emerges in the deposition of Mr. Baldini: "*I do remember, however, that he told me on Saturday night, so the day before the wedding, that he was marrying Irene reserving to himself the faculty to divorce her in case things went poorly*" (3F). The same witness recalls how the Respondent, even at the wedding reception, once again asserted this same will to divorce if things went poorly (cfr. 3:F). The witness appears to be credible; indeed, even the Petitioner considers him to be a trustworthy person (cfr. 1:L). Both confessions were made at a non-suspect time, just a few days prior to the wedding. Even the witness Ms. Grazioli, who the Respondent considers to be credible, states, "(...) *I heard Felix say several times that he thought of divorce like a warranty*" (6:C). If we examine these three confessions, it appears clear that

the Respondent was not manifesting a simple opinion or judgment contained to the strictly intellectual sphere; the Respondent was manifesting that, with regard to the marriage that he was concretely preparing to celebrate with the Petitioner, he intended to unilaterally reserve the power of dissolution. The Respondent intended for himself a soluble bond. There are no elements that confute the existence or quality of these confessions, not even in the Petitioner's testimony (cfr. 1:A-L); rather, there are elements in the acts that confirm it. On the one hand, these confessions were made in close proximity to and in view of the wedding (cfr. 3:F; 10:A). On the other hand, the witnesses are credible and worthy of faith (cfr. 1:L). The notarized declaration, contained in a public document, provides full proof not of the exclusion, but of the fact that the declaration was made by the Respondent on that date (cfr. 10:A-B). The Respondent appears to be intellectually convinced regarding the solubility of the bond and the possibility of seeking a divorce (in agreement on this point are the witnesses Mr. Baldini and Ms. Grazioli, in addition to the Petitioner herself, who was aware of this *mens* prior to the wedding (cfr. 6C; 3F; 1:H)). His own personal history appears to offer an interpretive context that is suited to explaining such a conviction, despite the fact that it is incorrect and opposed to the design of the Church (cfr. 5:E; 2:A, F). On the other hand, the Respondent also took the initiative to divorce. The Respondent stated that, prior to his discussion with the Petitioner in March of 2015, he had already decided to ask for a divorce and had sought legal counsel for this purpose (cfr. 2:I; confirmed by Mr. Baldini and Mrs. De Santis, cfr. 3:H; 5:H), and the Petitioner acknowledges that the divorce paperwork presented to her had been prepared weeks prior (cfr. 1:K). In early January 2015, the Respondent wanted to abandon the conjugal home after a violent conflict with the Petitioner (cfr. 1:K; 2:I). The Petitioner herself affirms that, *"He accused me of being on drugs and went into our room and started to pack his bags, saying that he was leaving. But I got down on my knees like an idiot and asked him for forgiveness"* (1:K). Regarding the conversation that occurred in March of 2015, which marked the definitive crisis of the marriage, the Petitioner recalls, *"he harshly opened his desk drawer and pulled out the draft of a divorce agreement that his lawyer had prepared weeks prior, which was very severe with regard to me (...). he told me that it was time to divorce, and that it would be better if we agreed on it because litigating would destroy me. I accepted because I didn't have it in me to go through a divorce hearing. That night, I went to sleep in a hotel and he came the next morning with a moving company to take his things and move back to his mom's"* (1:K). The moment in which the Respondent realized that things were getting out of his control or that they were going in a direction that he did not intend to assume (for example, as per the declarations of both parties: the cessation of sexual relations, the cessation of the Petitioner's collaboration in his business ventures, and the possibility of needing to house the Petitioner's mother), the Respondent did not hesitate, but coherently exercised the reservation that he had made. This does not render such a decision morally admissible; however, it does attest to its sincere origin. Indeed, the Respondent expressed that he would have even ended the common life before this point, if it were not for the fact that certain professional events requiring the Petitioner's collaboration were pending (cfr. 2:I). To this, we might add the brief duration of the common life, which did not even last two years, in addition to the Respondent's decision to maintain separate finances (cfr. 1:I; 4:E; 5:E).

15.- Indirect proof of the exclusion has also been obtained, if we compare the motives that led the Respondent to contract a canonical marriage that theoretically did not lack the property of indissolubility with the motives that led him clearly and incisively towards a dissoluble marriage and, therefore, towards an object that was not truly marital.

The *causa contrahendi* is essentially explained because the Respondent was attracted to the Petitioner and marriage was the only way for him not to lose the Petitioner, with whom he had also engaged in sexual relations: *"You could say that I got married because it was the only way I could have her (...). Her problems were on my radar, but I thought that over time we could resolve them. Moreover, we understood each other. She had helped me out on some important projects. So, you could say that I married her because I loved her and because I thought we understood each other. In spite of everything, we understood each other and we knew how to work together (...). She*

wanted canonical marriage; cohabitation would have been just fine with me, but she was unwilling and there was nothing to ensure that she wouldn't leave with someone else. Marriage afforded me the guarantee that she would stay with me, so to speak, and that I wouldn't lose her (...)" (2:E). The witnesses confirm this approach. Witness Ms. Grazioli points out that the Petitioner was the one who wanted a religious wedding, whereas "(...) Felix would not have chosen to have a religious wedding, as far as I know. I imagine that she was the one who insisted on this" (6:F). Witness Ms. Boldrini is of the same opinion: "(...) [he] didn't want to lose her, and that marriage was the only option because she wouldn't accept cohabitation or merely civil marriage" (4:D), as is Mr. Baldini: "(...) he liked Irene; actually, I think that he didn't want to lose her. This was both because he was physically attracted to her, and because Irene showed that she really understood him and she had also helped him out professionally, as he himself told me" (3:F). The Respondent's mother also insisted on this point (cfr. 5:E). Thus we are faced with a *causa contrahendi* motivated by erotic attraction and resting on the fact that the Respondent considered marriage to be the only way to bind himself with a person who had proved quite useful to his professional interests (on this point cfr. 2:B, E, I). Ms. Boldrini points out this fact in her deposition: "(...) I told him to get out of it, but he told me that things were too complicated and that he did like Irene and that she had proved to be an excellent helper at his work, that he had made a ton of money thanks to her and didn't want to lose her and that marriage was the only option" (4:D). The *causa simulandi* must be found remotely in the Respondent's life-context. The Respondent comes from a family with divorced parents who go so far as to evaluate their choice as a good thing (cfr. 2:A; 2:F). The Petitioner and the witnesses, especially Mr. Baldini, bring to light the Respondent's opinion on the institution of marriage (cfr. 1:H; 3F; 4:D; 6:C), and the Respondent himself abundantly expresses his own thoughts on the matter in the present cause (cfr. 2:F). Thus we have the outline of a *forma mentis*, present since adolescence, that is extraneous to the Catholic conception of marriage and reluctant with regard to the essential properties of the conjugal consortium. In addition to this biographical-ideological element, and shifting our focus to a more proximate context, we find the Respondent's will to preserve his freedom intact in order to be able to put it to use for his personal goals. Symptomatic of this is Mr. Baldini's affirmation that, "(...) he is a very insecure person, and he is also very pragmatic. He evaluates things according to the profit or interest that he can derive from them (...). Felix doesn't want to limit his freedom; he won't admit when something is out of his control. At the same time, and I'm sorry to say this, but he doesn't like to complicate his life. The greatest good in his mind is to keep his hands free and not to complicate his life with any factors that don't depend on him. I think that his approach to marriage was a reflection of that"(3:F). Ms. Grazioli elaborates on the same point: "(...) the most important thing for him was being in control of his own life. He was insecure and practical at the same time. He always wanted to have a back-up plan" (6:C). Ms. Boldrini further insists: "(...) [he] was one of those people who want to have everything under control. So, for him, many things might be nice, but what mattered to him was being in control of his life." (4:D). Finally, the Petitioner herself recalls that, "He was sort of an anal person; he was controlling, and obsessed with the idea of making his own way in life. He was a man who valued his freedom and independence above all, to be clear" (1:I). Elements confirming this attitude also emerge from other witness testimony. Further confirmation of this is given by the fact that he decided to stay with the Petitioner until he felt that the situation was getting out of his control, or that he was no longer going to be able to profit from it (cfr. 2:I). To this, we might add the fears the Respondent mentioned concerning the Petitioner's health, which continued during the married life (cfr. 2: G, I, K). Mr. Baldini is insistent on this point, speaking about their courtship and the period leading up to the wedding: "(...) he was afraid that Irene would fall back into alcohol and drugs, and that he was unwilling to complicate his life that much. I reassured him at the time, reminding him of how much Irene had changed, as he himself knew, and how she had been clean for over two years" (3:F). As an extreme synthesis, we can say that the remote *causa simulandi* was comprised of a pervasive mentality and experience regarding the possibility of dissolving a marriage, while the *causa simulandi proxima* appears to be bound up with his insecure and altruistic character, which caused him to appraise the conservation of his freedom and the rejection of anything outside

of his control that could complicate his life without generating proportional benefits to justify the price of this loss of control, to be a greater good than his marriage to the Petitioner. In this context, the *causa simulandi* had a principal, executive influence over the *causa contrahendi*. The Respondent married moved by fragile and contingent motives, like a house built on sand, namely, he considered marriage to be the only way to hold on to the Petitioner (who had proven herself to be another financial resource), because he felt attracted to her and because he wanted to maintain the professional understanding they had developed. The motives that justified his exclusion appear strong and rooted in the Respondent's utilitarian vision. If everything is measured according to one's personal profit or existential comfort, then *ex ante* one is willing to sacrifice an initially advantageous reality if it eventually appears to have become an obstacle. In other words, at the time of marriage, the Respondent's insecurity and need to guarantee himself the possibility of recuperating his freedom from a binding situation that might get out of his control were stronger than the motives that led him to contract. In fact, as the acts attest, once it became clear to the Respondent that he was going to lose those things that led him into marriage, and for the attainment of which marriage was only a means, he did not hesitate to act in accordance with the radical conviction that had led him to exclude indissolubility (cfr. 2:I; 3:H).

(...)

AFFERMATIVE, that is, the nullity of the marriage is proven due only to the Petitioner's incapacity to assume the essential obligations of marriage ex can. 1095, n. 3 CIC and the exclusion of indissolubility on the part of the Respondent ex can. 1101, §2 CIC.

(...) Rome, November 18, 2019.

[Judges' signatures; Tribunal seal; Notary's authentication]

This sentence may be appealed to the Roman Rota within 15 useful days from its integral publication.

(the sentence was legitimately published to the private parties on November 21, and to the Defender of the Bond on November 19).

ACTA SECUNDAE INSTANTIAE

XI.- Notice of Appeal

Given on November 25, 2019. The Petitioner manifested her will to appeal the sentence to the Roman Rota.

XII.- Pursuit of the Appeal before the Roman Rota

I consider the first-instance sentence to be absolutely unfounded and unjust, and therefore I intend for it to be reformed at the grade of appeal. The sentence rigorously maintains that Mr. Giusupo's exclusion of children was not proven, despite his evident will to not have children.

However, that which is most shocking is that, by means of formal deception admitted by the first-instance tribunal, Mr. Giusupo was able to blame me not only for the shipwreck of our marriage, but also for the nullity of the marriage according to two grounds that had nothing to do with my initial request before the tribunal. The sentence essentially considered me to be an alcoholic with an unstructured personality that rendered me incapable of contracting.

With regard to the exclusion of indissolubility, I consider this to have been quite the re-elaborated version of facts on the part of the Respondent, which the tribunal believed, going against justice in its most basic sense.

I would also like to highlight the following evident procedural irregularities:

A.- My Procurator-Advocate, inexplicably, neither wrote nor presented a defense brief. While reserving to myself the possibility of taking further legal action on account of his clear lack of diligence, I would like to point out that I believe my right of defense was compromised.

B.- The Defender of the Bond's arguments were never communicated to me, even though this is required by canon law (can. 1603, §1 CIC).

C.- The Respondent's replies were never communicated to me, nor were those of the Defender of the Bond, given that my defense brief had, unbeknownst to me, not been presented (can. 1603, §1 CIC, *in fine*)

D.- The entire process was carried out in less than three months, and the expert report was completed the day following the examination.

I consider these defects to have rendered the sentence null. In the case that this is rejected, I hereby manifest my will to pursue the appeal of those grounds affirmatively decided in favor of the Petitioner, in addition to the ground requested by me and dismissed in the negative by the Tribunal.

Rome, December 4, 2019.

XIII.- Acts of the Roman Rota

Decree constituting the college on December 20, 2019. Decree of the *ponens* dated January 8, 2020, requesting the observations of the parties in light of can. 1680, par 2 CIC.

XIV.- Observations of the Respondent

(...)

Ponenda est in primis quaestio de iure appellandi actricis. D.na Irina actrix decisionem iudicalem nullitatem matrimonii declarantem reapse apud tribunal primae instantiae obtinuit, etsi ob alia capita a conventu rite allata. Attamen substantia rei minime mutatur, proinde in casu haud constat de gravamine actricis pro eius appellatione sustinenda, quoniam appellata sententia minime negavit actrici id quod actrix libello expostulavit coram tribunali *a quo*, id est, declarationem matrimonii nullitatis. Hoc sub respectu, appellatio reicienda est in casu ob carentiam iuris appellationis actricis.

Sub aspectu vero substantiali, nulla apta ratio in libello actricis invenitur ad sententiam reformandam. D.na Irina querimonias adversus prolatam sententiam leviter pandit, sed de definita ratione reformationis nempe constat. Ut sententia reformetur minime sufficiunt subiectivae dissensiones, quoniam in processu canonico rationabilis et libera probationum existimatio tuta manet. Sententia appellata nonnullis probationibus manet suffulta et doctrina iuridica necnon rotalis iurisprudencia rite deducuntur in casu.

Intentio actricis tantum sub obnoxia voluntate procrastinandi litem plene intenditur. Qua de re, appellatio reicienda est uti mere dilatoria et sententia appellata continenter est confirmanda.

XV.- Observations of the Defender of the Bond

(...) Quoad caput incapacitatis assumendi (can. 1095, n. 3 CIC) plura dicenda sunt. In primis recolendum est quod iuxta iurisprudentiam N. A. T alcoholismus seu abusus potuum alcoholicorum minime eo ipso nullitatem matrimonii secumfert ob incapacitatem assumendi, ut ne confundetur definitus mentis morbus cum causa psychica ex qua plane incapacitas assumendi oritur. Oporter nempe demonstrare alcoholismus esse praedictam causam psychicam incapacitatem gignentem, qua de re, probationes gravitatem causae psychicae in lucem ponere debent. Quamquam forte quaedam forma alcoholismi invenitur in actrice ante nuptias, sicut animadvertit relatio periti, minime constat in actis de gravitate praedicti morbi in sphaera voluntatis. Adde ad id quod relatio periti loquitur de quadam deordinatione personalitatis, at minime eam circumscibit nec apte definit. Stylus peritiae cuiusdam interpretationis subiectivae revera sapit (...).

Quoad exclusionem boni sacramenti ex parte viri, a tribunali primae instantia affirmative dimissam, iudices primi gradus magnum pondus tribuunt declarationi conventi apud notarium civilem, etsi iurisprudentia N. A. T olim multifariamque animadvertit circa declarationes ante litem confectas ad vitium nullitatis nempe demonstrandum, ut ne quis eas assumet uti formam directam probationis nullitatis. Adde ad id quod iuxta legem canonicam, dubio perpenso de nullitate, standum est pro valore matrimonii (can. 1060 CIC).

Ob rationes tum in iure tum in facto prolatas, infrascriptus censet ut ad propositum dubium respondendum sit: Affirmative, seu appellatio minime dilatoria apparet ideo admitenda est ad novum examen in gradu appellationis.

DISCUSSION GUIDE

- 1.- Does the Petitioner have the *ius appellandi*? Does this issue pertain to the discussion according to the senses of can. 1680, §2 CIC, or is it separate? How should it be resolved? If you do not consider her to have *ius appellandi*, pretend that the appeal was made by the Defender of the Bond in the first instance. Does the evaluation of aggrievement, and of the proper placing and pursuit of appeal, pertain to the provisions of can. 1680, §2 CIC?
- 2.- How should the procedural defects that the Petitioner denounces in her appeal be handled? What significance might they have in light of the evaluation of can. 1680, §2 CIC?
- 3.- Taking into account the jurisprudential indications on this point, is this a case of a merely dilatory appeal? With regard to all of the grounds, or only to some of them? How would you proceed in this evaluation? (It is advisable to divide up the analysis and proceed ground by ground).
- 4.- Hypothetically, could we consider the possibility of a decree partially confirming the appealed sentence? How should we proceed?

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8th Renewal Course of Marriage Law and Canonical Procedure

Practical Case on "Homosexuality and Consensual Capacity"

Prof. Carmen Peña

I would like to propose for your consideration a fairly complex case which deals with alleged lesbianism, manifested after many years of marriage. The resolution of the case will require us to take into account questions such as: our consideration of homosexuality, its antecedence, the juridical relevance of a sexual orientation that does not manifest in external acts, bisexuality, the good of the spouses, the evaluation of moral proof and expert reports, etc.

a. The Case

In 2016, the husband, a practicing Catholic, petitioned the Metropolitan Tribunal of X to declare the nullity of his marriage on the grounds of **grave defect of discretion of judgment and incapacity to assume the essential obligations of marriage on the part of both parties**.

The parties, both doctors, married in 1994 at age 26, after finishing school. Their courtship lasted 5 years, with no breakups; during this time, both were very active in the parish. They did not engage in premarital sexual relations. The common life, which lasted 18 years, was enriched by three children who were desired and loved. Sexual conjugal relations were always difficult and unsatisfying, and became more and more infrequent after the birth of the children. The wife suffered from complex migraines and other neurological problems.

In 2008, as part of her work, the wife began to treat a female homosexual couple with quadruplets. Eventually, one of the women confessed her feelings to the wife; although initially the wife responded that she was not interested in women, she ended up falling in love and ending her marriage, simultaneous to the other woman ending her own relationship. Since then, the wife has been in a *de facto* partnership with the woman, which is public and notorious.

The first-instance Tribunal responded in the negative to all grounds; the husband appealed the decision to the Tribunal of the Rota of the Apostolic Nunciature in Spain.

b. Excerpt from the Summary: word-for-word transcription of the acts

NB: The transcription of the acts does not present the factual elements or juridical reasoning concerning the grounds on the part of the husband, which were dismissed by the sentences of both first and second instance. We will instead concentrate solely on those facts which pertain to the woman-Respondent, paying special attention to her sexual orientation.

1. Declaration of the husband (1st instance)

The courtship lasted five years. When I asked her to be my girlfriend she said, "Ok, fine." I should mention that we did not engage in sexual relations due to both of our religious convictions; we would have had the opportunity to, because she lived alone with her brother, but we never did.

Once the marriage broke down, she told me that she had been in love with a girl in high school. But she got mad and stopped talking to her because someone had drawn a heart on the blackboard together with the names of both girls; so she distanced herself from her out of embarrassment.

Ana has never had psychological or psychiatric treatment, but she has undergone neurological treatment. Her neurological disorder was difficult to diagnose. She was showing signs of narcolepsy and migraines. This was occurring during the courtship, but it increased during the marriage.

Ana is emotionally unstable. It might be because she repressed her sexual condition, or because of neurological problems. She also suffers frequent mood swings - sad, irritable, angry, sensitive - without any cause. Sometimes, she is euphoric.

Ana's father would make homophobic comments. I believe that is why Ana repressed her homosexuality.

Ana was not mature enough to contract canonical marriage due to her homosexual condition.

Since we had no experience with intimate relations, I thought everything was normal. Ana would have problems with lubrication during intimate relations and we had to use external lubrication. It would take a very long time (between forty minutes and an hour) for her to become aroused, and I doubt whether she achieved orgasm; she could fake it. Now I have my doubts. We seldom had relations due to her risk of preterm labor, and then due to continual problems with migraines, post-child-birth, urinary tract infections, etc...

One important fact is that, after 14 years of marriage, Ana began working in a nearby town. There, she met two women who were civilly married. They were named Lola and Maria, and they had had quadruplets through artificial insemination. Ana told me that Lola asked her to be friends. I didn't see anything wrong with that. Ana changed radically during that time. She said that she was stressed at work; she started to become more sad, irritable, anxious, etc...From that point on, we stopped having sexual relations.

Ana fell in love with Lola, and Lola with Ana. Lola and the kids would constantly visit us at home. Ana started to ask for constant time off work, and on her time off, she would always be with Lola; she would go to her house, and even helped her paint her apartment. They would go pick mushrooms together, etc... They would go just the two of them.

Ana sabotaged the only attempt at intimate relations that we had in four years. Ana was not caring towards me. I would tell her, "I love you," and she would avoid this show of affection. She had a photo of Lola in her wallet.

Days before the breakup, my children told me that their mother wouldn't pay any attention to them when Lola was there. They pointed out that there might be something strange going on between them. Ana's parents mentioned the same thing.

Two weeks to a month prior to our breakup, Ana told me she was having some doubts. One of those was that she said she was not in love with me. Another one was that she had fallen in love with Lola. I told her that these were doubts we would have to overcome. One night, Ana confirmed to me in conversation that she did not like men. She told me that what she liked about me was my "feminine side." I am heterosexual. I suppose that "my feminine side" is that I am a sensitive man. She told me that she felt attracted to Lola and that she wanted to try out this relationship with her, both emotionally and sexually. She confirmed to me what she had previously mentioned about the girl in high school.

Ana left the house, and Lola and Maria separated. Ana went to live with Lola, with whom she is still in a relationship. They are de facto partners. Ana openly states that she fell in love with another woman, with whom she has an affective and sexual relationship; however, she does not accept the word "homosexual."

(Regarding some photographs proposed as documentary proof) These photos are public in nature because they were posted on social media. One of the photos corresponds to the de facto partnership-celebration of Lola and Ana. In these photos, you can see they are both wearing a wedding dress. The other photos mention a "honeymoon."

2. Declaration of the wife (1st instance)

We began our courtship about a year after we met. I met him after I was in a traffic accident. I had been on six months of prescribed rest for a previous illness. He was someone who protected me, and I felt very secure around him.

There have been two periods in my life. A first period, in which I felt defeated, both by Pepe and by others who were mentors to me. I have always done what other people thought was the right thing. I did it so as not to create a conflict.

During that period, I thought that we were compatible. But now I see that that's not the case. There were a lot of signs, but I didn't know how to recognize them. We never fought or argued. Everything was perfect. Other couples would fight, but we never did.

During that period, I did believe that I was mature. Today I see that that wasn't the case. I chose a person who was totally wrong. We were on a path after five years of dating, and it was the easiest path. There was no serious consideration about whether to get married. We didn't look at the pros and the cons, is this right for me or not, etc... Today I can see that I made a fundamental life decision without thinking about it, and I once again did with my life what other people wanted.

We did not have good communication with regard to sexual relations. We didn't trust each other. Pepe is not active when it comes to sex. I never brought this topic up with him. We did have sexual relations. For me, they were not as satisfying as they should have been, but I never spoke about this topic with him.

At work, I met a woman who had four children. I started to have a deep professional relationship with her. Our friendship started to grow, and moved outside of the professional realm. I knew that she had homosexual tendencies. I had the feeling that this girl liked me. One day I met up with her and I told her that I wasn't interested in women. She understood.

Even though I felt I didn't like Lola, I started to notice that I liked that she liked me. And that made me feel uneasy. In July, I had very deep feelings for Lola; I didn't want to see her anymore. But in September I told Pepe that I didn't want to continue on in our marriage. I did not start a relationship with Lola until after the divorce.

Lola was civilly married. She separated subsequent to my separation. Her relationship was disastrous. In February, I was hospitalized for a very contagious pneumonia and Lola stayed with me. After that time, we began a relationship ourselves. Some time later, I told my mother that Lola was my partner.

I did need psychological treatment after the divorce. It was painful to have left behind other people's expectations for me; all these moments continue to be hard, even today. It was also painful that I wasn't able to exchange even a word with Pepe's sister Isabel, who was one of my best friends.

Since then, Lola and I have been, and still are, "common law partners."

3. Witness testimony (1st instance)

Four witnesses named by the Petitioner, all doctors, gave testimony in the cause: his younger sister, a religious, who knew both parties from before the courtship when they were all part of the same parish group; another sister, who was close friends with the wife until the breakdown of the marriage; a coworker of the husband; and a friend from the husband's youth, who also knew both parties from the time of their university studies.

The Petitioner protested the Instructing Judge, who was also the Presiding Judge of the College for various reasons, including his tense and hostile tone in the judicial examinations, especially towards the religious sister, to whom he made misogynistic comments; his manipulation of the transcripts produced by the Notary-Secretary, who was prevented from recording certain affirmations and made to reformulate others, always in favor of the bond; the arguments he had with the doctor-witnesses, in which he stated that "homosexuality is an illness that can be cured with treatment."

To avoid repetition, we have included only the most relevant points from the witness testimony:

Witness 1 (religious): *My brother is fully credible. He is a good, sincere, and honest man. She is an intelligent person; she has always been very smart, but she is unstable and unpredictable both in terms of her relationships and in her day-to-day life. Today, I suppose that her homosexuality could have been a problem; since they were not having relations it did not manifest prior to the marriage.*

For a long time she has suffered from complex migraines and has required specific medications. She saw neurologists on numerous occasions. Migraines are an illness with a neurophysiological basis, but which develop with a psychological component.

They understood the obligations of marriage, but they didn't know whether they were prepared to fulfill them or not.

At least eight months before the breakup, I saw Lola writing on her Facebook wall, inviting Ana, my sister-in-law, to "come out of the closet," inviting her to be herself, to live her own life and to acknowledge her feelings. In this final period, Ana posted photos of them both together at various social functions on social media.

Reconciliation is impossible. Ana is with Lola. I'm not sure whether they are common-law partners or in a civil marriage.

Witness 2 (Petitioner's sister and Respondent's best friend): *I believe that she is honest in that she believes what she says, even though I don't believe that what she says always coincides with the truth. We were very good friends. I considered her to be my best friend.*

Our parents know each other. Her parents are very conservative, especially her father. He is very intolerant with regard to certain issues, especially homosexuality. In my presence he has said that "the 'queers' are sons of bitches."

They did not have intimate relations. By this, I mean that my brother was not able to learn about Ana's homosexuality. At that time, homosexuality, or saying "I'm homosexual," was not viewed in the same way it is today.

Ana got "aural migraines," with headaches, tingling in her extremities, loss of consciousness, seeing lights, etc... Stress also had an impact. Her treatment was varied, and even included anti-seizure medications.

My brother was mature when it came to work and family, but he was either unaware about Ana or didn't have sufficient information. By this I mean that he didn't know that Ana was homosexual; either it was latent or she kept it hidden. I don't think Ana was mature at that time, because she would have already known whether or not she was homosexual. If she did know, she was deceiving my brother; if she didn't know, then she hadn't matured with regard to her sexuality.

The wife met a homosexual couple who had quadruplets. One of them, Lola, started to "hound" Ana, calling her on the phone, etc.... This couple began involving themselves more and more in my brother's family. Eventually, this couple separated, and Lola started to have a close relationship with Ana.

My sister discovered on social media (Facebook) that Lola was publicly asking Ana to "come out of the closet." At the beginning, I didn't pay it any attention. I thought that Lola was in love with Ana, but not the other way around.

One day I asked my brother whether he was tired of constantly putting up with this situation. Lola spent a lot of time with Ana and my brother spent more and more time alone. He responded that he was tired, but that Ana seemed to be happier and less stressed about work.

Witness 3 (coworker): *I believe that, a posteriori, the facts show that neither of them was mature at the time that they married.*

The catalyst was when Ana told Pepe that she had fallen in love with a woman whom she had known for at least two years. Pepe entered into a state of despair that caused a very intense depression, for which he began taking antidepressant and anti-anxiety medication.

Witness 4 (friend from youth): *Reiterates the facts known by all, without any relevant contributions.*

4. Expert Report (1st instance)

The expert evaluation was conducted on both spouses, even though here we will only report that which relates to the wife. We must underline that the expert paid almost no attention to the possible lesbian tendencies of the wife. In spite of the facts recounted by the parties and witnesses, and in spite of having been able to examine the wife, the expert completely glosses over her sexual orientation.

The following are the most important affirmations made by the expert:

“Result of psychodiagnostic tests: *The wife has a weak vitality, with excessive sensitivity in her feelings. She is shy. Repeated appearance of insecurity, in addition to introspective tendencies and a lack of communication due to shyness or caution, distrust or disappointment. The wife tends to fantasize about fictitious security and importance as a defense mechanism against her inferiority complexes, attempting to make herself appear as though she had a strength of character that she does not possess, in addition to a tendency to hide or escape to childish fantasy. There are indications of guilt complexes, feelings of inadequacy or incapacity to adequately adapt to living with others, or to new or unexpected situations.*

The Respondent suffered from a very incapacitating illness in childhood that left her isolated for a long time, breaking all of her bonds in a preadolescent stage that would have been very important to her vital cycle. Nonetheless, after her recovery, she began to rebuild friendships, to experience things that she had not been able to do previously, and to enjoy them. Nonetheless, the traffic accident that she was in with her brother put the brakes on this search for experiences, making her seek out security and stability.

General analysis: *It is noteworthy that the couple never argued, whether during the courtship or during the marriage. This indicates that, despite conflicts, the couple never expressed themselves to the other partner. It was only superficial communication. In spite of their long conversations, they never expressed their disagreement about anything, which is gravely prejudicial since it denotes an implicit lack of trust. For example, they were both dissatisfied with their sexual relationship, but they never talked about it.*

The breakup came about because the Respondent began living a life outside of the marital realm. Later came her feelings for Ms. Lola, which was the catalyst leading to the definitive breakdown of the marriage.

Conclusions: *The wife did not suffer from any disorder with its own nosology, but she did suffer from emotional immaturity and affective insecurity. The Respondent’s emotional immaturity was moderate, and her insecurity was severe. The wife’s insecurity and search for stability led her to seek out security without asking herself what she wanted or needed, molding herself to every context in order to avoid the fear of suffering.*

It is very probable that there she did not appropriately deliberate regarding the decision to marry, allowing herself instead to be led by her feelings but not by her needs. She did not value them, and thus failed to deeply evaluate what they could mean.

In spite of the fact that her will was not affected, her understanding might have been. As to her thought process regarding the life that marrying the Petitioner would entail, she did not consider whether the relationship would make up for what she would be renouncing.

With regard to her capacity to take on the functions inherent in marriage and its essential obligations, we do not find there to be any psychological cause in the wife in relation to this question until the final two years of marriage, which is when the Respondent began to realize that she was not happy in her relationship and she began to have feelings for another person, leading her to neglect, in part, both the functions and the essential obligations of marriage. It was serious, in that it entailed the neglect of the marital duties and the breakdown of the marriage.

5. Sentence of First Instance

In May of 2018, the Metropolitan Tribunal pronounced a negative decision on all of the grounds invoked, founded on the following arguments (of which only the most relevant are here included):

In iure: *Homosexuality as a possible cause of incapacity.*

Regarding homosexuality as a motive for the subjective incapacity to assume the essential obligations of marriage, not any manifestation whatsoever of homosexuality can impede marriage; only a homosexuality that is grave and irreversible, already at the moment of contract, would render

marriage invalid. We must remember that it is not prudent to emit absolute judgments, but that we must examine each case individually, lest we convert a psychological anomaly that can provoke a consensual incapacity in certain circumstances into an impediment to marriage tout court.

Homosexuality can be transient or permanent; it can either be acquired, or what some refer to as constitutional: "Among those who suffer from a perversion, or rather, an inversion of the erotic appetite, we must distinguish between those who, on a given occasion or transitorily, due to the conditions of time or place, fall into this type of bad behavior (and who, when no longer in these circumstances, easily return to the right order) and those who find themselves in a totally different situation and who, either do to a firm, long-established habit (*de facto* homosexuals), or because of their own personal constitution (having been born "abnormally") will inevitably give themselves to the same sex" (c. Pompedda, October 6, 1969, SSRD vol 61, p. 916).

In cases of homosexuality it is necessary to ascertain the gravity and incurability of the disorder; for this reason, it is very beneficial to seek medical-psychiatric expertise. Experts are able, thanks to their science, to produce a valid and scientifically founded opinion regarding the homosexuality in a particular case.

A finding of a mild or moderate homosexual condition does not justify a consensual incapacity. He who is truly homosexual experiences sexual attraction exclusively with regard to persons of his same sex; at the same time, he not only does not feel attraction to the opposite sex for the purposes of establishing sexual relations, but indeed feels a true repulsion: "In the presence of a homosexual subject, there is a primordial question that needs to be posed: is this person constitutionally, or occasionally, homosexual? In order to be able to speak of authentic homosexuality, it is not sufficient to have an attraction towards persons of the same sex; it is necessary that to this be added a disgust for the opposite sex. Every homosexual who does not meet this latter criterion is probably an occasional homosexual... A true homosexual is instinctively deviant, in the proper sense of the word: everything happens within him as though he had been born with a sexual inversion (Zavalloni., *Elementi di psicologia educativa*, 1982, p.49-50).

For this reason, a bisexual person is able to exercise the *ius nubendi*, and a person with homosexual tendencies can validly contract marriage. An immoral tendency, if resisted, cannot render a person incapable of assuming the essential obligations of marriage. Even if there is infidelity during the conjugal life, it is not possible to conclude on this basis alone that this is due to an incapacity rather than a mere difficulty. "This natural propensity can be irreversible without the manner of living necessarily conforming to it. The supernatural struggle, or the Christian overcoming of the inclination, can bring the person out. An authentically Christian life dispels many impulses of nature" (c. Huot, January 31, 1980, SSRD, vol. 72, p. 85). We cannot licitly suppose that the tendency itself causes incapacity.

Along with gravity and incurability, it is necessary to prove whether the tendency, or rather that the homosexual tendency, rendered the person incapable of fulfilling the essential obligations of marriage, or one of them. Additionally, it must be proven that this situation was in act at the moment of the celebration of the wedding, and not that it arose or appeared after years of marriage, even if the tendency already existed. C. Burke sums this up in the following way: "The vast majority of bisexual or lesbian women say that they got married because they fell in love with their husbands and they desired marriage... Studies indicate that their marriage can be no more conflictive than marriages between heterosexuals" (E. Coleman "The Married Lesbian", *Marriage and Family Review*, vol. 14, 1989).

In fact: The marriage was preceded by a courtship lasting five years; both parties acknowledged that they were hopeful and in love. It was a serious and formal courtship, accepted by both families, and carried out in view of a prospective marriage.

In the context of a serious, formal courtship, with both parties having achieved reliable work and financial situations, they decided to marry at the respective ages of 37 and 26. They made this decision with full knowledge and freedom. Both spouses appeared happy about the idea of the wedding, which unfolded in a completely normal way, as the spouses and witnesses have all testified. This is confirmed by the Petitioner's sister (f.94).

Both families welcomed the parties' decision to marry, and no one expressed any opposition to the wedding.

The common life lasted some 18 years. Both spouses desired children, who indeed arrived quickly, as both the spouses and their witnesses testify.

Problems began some four years before the definitive breakdown, as the Respondent attests, and were triggered by the wife's relationship with a couple of civilly-married women: "Ana radically changed at that time...I think that Ana, through her friendship with Lola and Maria, started to manifest her homosexual condition, and Ana fell in love with Lola and Lola with Ana" (f.61, 62). On her part, the wife points to other causes that might explain the breakdown of the marriage: "The house we lived in was his mother's and I insisted that we buy our own house. The other difficulty was not having a social life...We did not have good communication with respect to sexual relations...The children grew up and I needed to get out of the house, to have my own life" (f.71).

Regarding the wife, the expert report notes that she "did not suffer from any disorder with its own nosology, but she did suffer from emotional immaturity and affective insecurity," noting that "The Respondent's emotional immaturity was moderate, and her insecurity was severe." Regarding the influence on her critical capacity, the expert report affirms: "It is very probable that there she did not appropriately deliberate regarding the decision to marry, allowing herself instead to be led by her feelings but not by her needs. She did not value them, and thus failed to deeply evaluate what they could mean." Regarding the influence on her elective faculty, the expert opines that, "In spite of the fact that her will was not affected, her understanding might have been. As to her thought process regarding the life that marrying the Petitioner would entail, she did not consider whether the relationship would make up for what she would be renouncing." This affirmation, in light of the affirmations of the wife ("I chose a person who was totally wrong") **reveals only an imprudent or rash choice of spouse.**

Regarding the existence of a psychological cause that incapacitated her with regard to her assumption of the obligations of marriage, we must call attention to that which is affirmed in the expert report: "we do not find there to be any psychological cause in the wife in relation to this question until the final two years of marriage." We maintain, then, that at the time of contract, there existed no psychological cause that would have rendered the wife incapable of assuming the obligations of marriage. Moreover, the expert report states, "this led her to neglect, in part, both the functions and the essential obligations of marriage" (...) There may have been difficulty, but not incapacity.

With regard to the wife's homosexuality, we must affirm that evaluating homosexuality as a cause of nullity is a delicate endeavor on account of the diversity of situations and circumstances that may arise. It is not possible to establish general rules; rather, the matter must be evaluated on a case-by-case basis.

The present marriage nullity case concerns homosexuality that appeared belatedly, after 16 years of married life. The psychological report is of no help. It is difficult to indicate whether the homosexuality appeared due to particular events or stimuli, or whether it had been latent, and manifested due to the circumstances in play at that given moment of the common life. The catalyst for the breakdown of the marriage could have been the wife's dissatisfaction with her lack of a social life, or the fact of the parties' poor sexual communication, that the husband was inactive when it came to sex, or that the wife, upon developing a more active social life, realized that she was unhappy with her marital relationship and little by little began to develop feelings for another person of the same sex, which culminated in an affective relationship.

It has not been proven in the acts that the homosexuality was present at the time of consent, nor is it proven that it could have been latent, going unperceived even by the wife herself; likewise it is not proven that the wife was unable to fulfill the marital obligations, nor even that she had difficulty fulfilling them. Difficulties only arose two years prior to the breakdown of the common life.

The expert report speaks little about the topic of homosexuality. No psychological cause can be found until the last two years of the marriage.

Consequently, the first instance sentence determined that **the nullity of the marriage was not proven** on any of the grounds.

6. Pursuit of the Appeal Before the Spanish Rota

Having lodged an appeal against the Sentence of the Metropolitan Tribunal, said appeal is hereby pursued within the appropriate time and form before the Tribunal of the Rota of Madrid. Among the reasons founding this recourse, we may note the following:

“With respect to the grave defect of discretion of judgment on the part of the wife, the 1st instance expert report divides the wife’s life into two periods: 1) the illness is “very incapacitating,” according to the Expert, which isolated her for many years, and 2) the car accident that she suffered with her brother, which, according to the Expert, made her “put the brakes on this search for experiences, making her seek out security and stability.” The illness alluded to was her neurological disorder, which was difficult to diagnose. “She was showing signs of narcolepsy and migraines. This was occurring during the courtship, but it increased during the marriage.”

And, after reiterating the expert’s conclusions regarding the *emotional immaturity and affective insecurity* of the wife, and the possible effects of this on her deliberative process, the Advocate concludes that *“it must be understood that if the wife’s understanding was affected, then she was unable to ponder or make a judgment about the marriage that she was going to contract.”*

Regarding the *incapacity to assume the obligations of marriage on the part of the wife*, the pursuit of the appeal criticizes the first-instance sentence for a reductionistic understanding of homosexuality in its requirement that homosexuality entail a repulsion for the opposite sex in order to cause an incapacity for marriage.

It also critiques the expert report’s silence about the wife’s sexual orientation, and the affirmation, in both the expert report and the sentence, that there was no psychological cause related to a possible incapacity to assume until the last two years of marriage, which is when the Respondent began to realize that she was unhappy in her relationship and to have feelings for another person. To this end, the Advocate argues, *“It is evident that her homosexuality was latent from adolescence, even though she wouldn’t dare manifest it to her family of origin. This is demonstrated by the following facts:*

- *Even though Ana affirms that when she told her family that she had begun a relationship with another woman she was well received by her parents, it is necessary to underline that Ana’s father frequently made strongly homophobic comments in the presence of Ana and of the whole family, such as the affirmation that, “there are people who are homosexual from the time they were little and they have that illness; there are also people who become homosexuals when they get older and they are queers and perverts” (judicial confession of the husband) or that “the queers are all sons of bitches” (testimony of the husband’s sister, T2). This family environment was very hostile, and it would be a difficult context in which to acknowledge one’s homosexuality at an early age. This explains why the wife kept it hidden or repressed for so long.*

- *Days before she left the home, the wife confessed to the husband that she had been in love with a classmate, but that she stopped speaking to her and distanced herself from her out of shame once it became public because someone drew a heart with both of their names on the board; she felt guilty (f. 58, husband’s declaration). Ana also confessed to the husband that she did not feel physically attracted to men, whether to him or to any other man.*

- *During the marriage, as the husband explained in his declarations (f. 61), Ana had lubrication problems during sexual intimacy, and needed to use external lubricants. He affirmed that it took her a long time to become aroused (between 40 minutes and an hour), and that he even doubted whether her orgasms were real or simulated. He also affirmed that they seldom had sexual relations. In her own declarations, Ana stated (f. 71) that relations were not as satisfying as they should have been, but that she never talked about this topic with her husband. This conduct could best be understood once her homosexual orientation was manifest. The infrequent sexual activity, for which the wife blamed the husband, was due to the fact that he respected the refusal she proffered by means of her vast repertoire of excuses, which he accepted as true (containing his intense sexual desire) in the attempt to support her.*

- According to the husband and witnesses, and even the wife herself, after the marital breakdown Ana began a sexual relationship with another woman, with whom she had begun a romantic and emotional relationship three years prior. Without counting those three years, this relationship has already lasted eight years. It was formalized as a common-law partnership two years ago in a ceremony in which both women wore wedding dresses, and after which they departed on a honeymoon. The relevant photos were publicly posted on various social media channels.

Difficulties (in the form of personal and sexual dissatisfaction) were present during the marriage; likewise, her homosexuality was present prior to contracting, as the wife confessed to her husband. The declarations of both parties demonstrate that Ana did not become sexually aroused, and that their sexual relations were unsatisfactory to her. **The interpretation of the sentence is biased in its consideration that this was what caused Ana to adopt a homosexual orientation.** What is evident when analyzing the case as a whole, given the precedent in addition to the solid and stable homosexual relationship that the Respondent has maintained for 8 years, is that heterosexual relations were not satisfying to her given her homosexual orientation. This **is not a cause**, as the sentence argues, **but a consequence**.

From the acts, we can deduce that her homosexuality was both grave and absolutely irreversible, as has been demonstrated by her life over the past eight years, during which time she has maintained a publicly recognized civil partnership with another woman.

The wife never was able to arrive to the point of loving and giving herself totally to her husband because she was prevented from doing so by her homosexual orientation."

7. Instruction of the Cause at Second-Instance

Having admitted the petition, the proofs were competed. The appellant requested new declarations from both spouses and from his sisters, given the manner in which the first-instance instruction was carried out. He also added one witness that had not previously given testimony, and requested that a new expert evaluation be conducted on both parties.

The Respondent was cited and manifested her intention not to comply with the citation, reaffirming her declarations in first-instance; she was declared absent.

The **husband** presented himself for a judicial examination, providing more detail regarding a few matters in the acts of first-instance:

Declaration of the husband (2nd instance): "The most important and nuclear problem in my marriage was that my spouse is a person with a homosexual orientation. During the marriage, sexual relations were very unsatisfactory and very infrequent, for both of us. Ana would take a long time to get aroused, some 40-50 minutes, and she needed external lubrication. I don't know whether she achieved orgasm or whether she would fake it; there is not really any way for me to know.

As for the frequency, we could go weeks or months without any sexual relations because Ana would state that she was having problems: migraines, tiredness, vaginal infections, urinary tract infections, the danger of preterm labor, the danger of miscarriage... Now I see that these were excuses to actively avoid sexual relations. In the end, we would go years without sexual relations. This was not because I didn't want to; I did want to.

It was like this, except when we were trying to have a baby. At those times, she was totally available until she became pregnant. Once she was pregnant, that was the end, for years.

She told me that she was annoyed by everything that I did. That might be so, because I never felt loved.

He is asked when he found out about his wife's sexual orientation: I found out for certain when she told me. I could not have imagined it, except that in the weeks prior to her telling me, my children and my then-in-laws had manifested this concern to me. We had married in 1994 and this was 2011. At that time, Ana implicitly acknowledged her homosexuality, and that she had always been homosexual. She told me that men, and of course that I, did not attract her sexually. She told me that she was sexually attracted to women, and to Lidia in particular, who she has been with for a

decade. She said that she wanted to start a romantic and sexual relationship with her. She told me that she had had a friend as a teenager with whom she had fallen in love and that, as soon as comments that embarrassed her were made in class, she cut off the relationship. She told me that she had fallen in love with me because she liked my feminine side. I am not a rough person, nor am I your typical guy who likes beer and soccer.

He is asked how he did not realize, despite being a doctor: I was not a psychiatrist; I was a man. I had not had other girlfriends, nor had I had sexual relations before I got married. And I was very much in love with her. I never thought that I might be marrying a person with a homosexual orientation. I liked Ana and I loved Ana. But for her, that wasn't enough. That wasn't what she was looking for. For her, it was a qualitatively different experience to be liked by a woman, and that was more in line with her sexual orientation.

With respect to her, I know that she did not analyze it. I know because that's what she told me. She told me that she got married out of inertia. That she didn't choose the right person. That she got married because that was what was expected of her, that she has always been submitted to the will of other people.

She is currently with this other woman and had like a wedding; they took a honeymoon...It is public and notorious.

At that time, she was a catechist. This was in the 80s, and the environment was very repressive. Her father had some bad ideas, but he was a good person. Her father thinks that there are homosexuals from birth and that there are homosexuals who become so when they're older, and that those were queers and sons of bitches. She is not with Lola for curiosity's sake or to try something out; she has been with her for more than a decade, and they are officially a common-law couple. Ana's homosexuality was latent or repressed when she got married. But she wanted to be a mother and she wanted to be the good girl that everyone wanted her to be, and I was the chosen one.

In psychology it is understood that the homosexual tendency is discovered at a given moment, but that you have it before that. And that is not an opinion; there is a scientific consensus to that end. It is not a personal choice.

Now I understand that many aspects of her personality can be explained by her sexual orientation, which was repressed and hidden. This made Ana dissatisfied. Ana was an unstable woman. She was immature. Ana lies to protect her self-esteem, or because she feels it is necessary, and she lies without any qualms. It is easy for her to lie; she has even gotten to the point of pathological lying, of believing her own lies. From these lies she gains social recognition, looks good, self-esteem, etc. Ana loves making a good impression in every respect.

Moreover, she is participating in a clinical study for her neurological problems (when we were married she had migraines and narcolepsy; she would fall asleep standing up). As a result of this study, it was discovered that she has neurological damage. This could have had an influence, not on her sexual orientation, but on her way of being. If there is brain damage, that could become incapacitating. Maybe her cyclothymia could be explained by this neurological damage.

Her father would say some things in the 80s; reality would later disprove his ideas. When her father found himself in the position of having to accept his daughter's homosexual condition, he accepted his daughter and her partner. If her father saw that his daughter is happier now, I understand why he accepted her. Ana acknowledged her homosexuality when the family and social environment was more favorable. In the 80s, that wasn't the case. But I am talking about her acknowledging her homosexuality, not her being homosexual. She was homosexual before.

I was motivated to request a declaration of nullity out of the deep conviction that my marriage is null, that it never existed, that it never had the opportunity to get off the ground. Ana can't love me, and I can't ask Ana to love me. I am not doing this against Ana, but in favor of the truth."

Faced with the clarity of this declaration, the Appellant renounced the other *depositions* proposed and admitted, and the case proceeded directly to new expert proofs, with the direct evaluation of the husband and a *super actis* report on the wife.

Conclusions from the *super actis* expert opinion regarding the wife: After analyzing the acts, the psychological expert appointed by the Tribunal arrived at a series of conclusions:

a) With respect to the *psychological traits* of the wife, the expert observes that, *“The wife has an underlying latent anguish, an egodystonic tension between her apparent heterosexuality and her real homosexual impulses, which plays out in her somatic symptoms that lack an organic cause.”*

“In the wife, we can perceive traits of immaturity: affective instability, like a tendency toward highs and lows, and fluctuating moods; affective dependency; selfishness, like her attitude rooted in exclusive attention to herself; insecurity as an incapacity to make decisions, making it difficult to establish interpersonal relationships, and when faced with the doubt about what decision to make she allows herself to be led by the criteria of someone else; incapacity to correctly judge objective reality, failing to push herself to carry out the obligations that she has previously chosen to assume.”

“In Ms. Ana we can observe a homosexual orientation that could be qualified as egodystonic until the divorce and the public expression of her sexual orientation, when it became an egosyntonic homosexuality. Given the lifestyle she has adopted, it does not appear to pose her serious social problems. The egodystonic aspect was probably caused by the wife’s embarrassment about her preferences and desires, which she hid, especially out of fear of her father.

She lived out her sexual orientation with so many intrapsychic conflicts that she presented a great variety of somatic symptoms that affected her neurological organs.”

The expert also detected Somatic Symptom Disorder 300.81 (F45.07), based on the wife’s history of numerous diagnostic tests and specialist visits, and of a chronic course of treatment lasting at least two years, during which the wife consulted many doctors. This disorder is characterized as chronic and recurring, with multiple somatic symptoms that cannot be explained by any other illness, and with significant associated psychological stress and an exhaustive search for medical intervention.

b) With regard to the *“origin of this confusion in the wife’s sexual orientation, it could have been caused by multiple factors, though in this case the family experiences that occurred during the adolescent stage altered aspects of the wife’s emotions and identity development. This change turned into internal psychological conflicts that expressed themselves as physical symptoms, beginning with the emotional and identity disorganization that the wife experienced and was unable to manage, which had direct consequences on the definition of her sexual orientation.”*

“If the Venerable Tribunal gives credence to the declarations of the spouses and witnesses, it can infer with sufficient certainty that the wife’s confusion regarding her sexual orientation was experienced prior to marriage, as evidenced in her adolescence during which time she began to manifest the somatic symptomology caused by the intrapsychic conflicts she experienced.”

c) Regarding the effect on her critical and deliberative capacity, the expert affirms that, *“her self-perception was altered, with beliefs that detracted from her freedom. Her sexual condition necessarily affected her decision, and thus it was impossible for her to proceed with a sufficient capacity for deliberation and choice such as would be necessary for marriage.”*

“If the Venerable Tribunal gives credence to the declarations of the spouses and witnesses, there are sufficient indications to affirm that the wife had a homosexual sexual orientation and that her heterosexual relationships were produced as a self-defense mechanism when faced with the social pressure that she felt, especially from her father, in the context of the intrapsychic conflicts that she manifested.”

d) As to her capacity to assume the obligations of marriage, the expert affirms: *“an authentic and complete conjugal donation and the establishment of a community of reciprocal life and love that demands complete self-donation to the other spouse was impossible for her.”*

e) With regard to the evaluation of the first-instance expert report, for which purposes the wife was evaluated, the second-instance expert affirms: “While we are in agreement about the existence of immaturity on the wife’s part, the previous expert does not specify which traits configure that immaturity. It is noteworthy that in her conclusions **there is no specific mention of the wife’s homosexual orientation**, nor does she take into account whether the person toward whom she began to have feelings was a man or a woman. Nor does the expert perceive the presence of Somatic Symptom Disorder, even though the acts of the cause endorse the hypothesis that the wife somatized the intrapsychic conflicts that she suffered on account of her sexual split. Nor does the report mention the adolescent episode of attraction for a female friend which abruptly ended with the blackboard drawing. Given the dates when that took place, it appears to have happened prior to her diagnosis with rheumatic fevers.”

Regarding the gravity and stability of the wife’s sexual orientation: “Currently, we can continue to observe that the wife has a homosexual sexual orientation. The tendency and primacy of homosexual impulses are irreversible after a given age, which she has already passed. Therefore, if the wife were to contract a new hypothetical marriage, she would inevitably repeat her prior behaviors.”

c. Questions to Consider

1. Evaluation of the first-instance sentence:

Regarding the *In iure*, what is your opinion on the definition of homosexuality employed? And with respect to the considerations of the juridical relevance of bisexuality?

Regarding the *In facto*, how would you evaluate the moral proof in the acts? And the first-instance expert report? Do you consider the facts deducible from the acts to have been appropriately evaluated?

2. Evaluation of the second-instance proof: what value would you give to the husband’s declarations? And to the second expert report? Would you consider the proofs obtained to be sufficient?

3. With regard to the resolution of the appeal: if you were judge, would you confirm or overturn the first-instance sentence? On which arguments in law and in fact would you principally base your *votum*?

8th Renewal Course of Marriage Law and Canonical Procedure

1st Practical Case on "Problematic Questions Regarding the Application of the processus brevior"

Prof. Msgr. Gian Paolo Montini

Advocate R
REGIONAL ECCLESIASTICAL TRIBUNAL
INSTANCE FOR THE INTRODUCTION OF THE CAUSE
Nullitatis Matrimonii

JOINT LIBELLUS

Petitioner: Massimo
Place and date of birth: 1980
Domicile: X
Profession: Entrepreneur
Religion: Catholic

Co-Petitioner Massimina
Place and date of birth: 1979
Domicile: X
Profession: Gym Teacher
Religion: Catholic

Marriage celebrated: 2007
Parish: X
Diocese: X
Separation: Granted by the Court of X 2017
Divorce: Mediated in 2017
Ground of nullity: exclusion of the good of children on the part of the woman, according to the senses of can. 1101 § 2 CIC

To the Very Rev. Judicial Vicar of the Regional Ecclesiastical Tribunal,
The undersigned advocates, R. and B., the latter of whom is also Procurator, by the faculty conferred by the attached mandate given by Mr. **Massimo**, born in 1980, and Mrs. **Massimina**, born in 1979, hereby present this

LIBELLUS

in order that the nullity of the marriage celebrated by their clients in 2007 in the Parish Church of X (of the Diocese and Province of X) be declared according to the reasons enumerated below:

1. Massimo's family of origin was composed of himself, his parents, and one younger brother. Massimo received a Christian upbringing. He has always worked at the family company, and has always practiced his faith. Massimina's family was composed of her father, her mother (who passed away in 2012), herself, and one brother. She obtained her diploma from the Conservatory and then studied law for six months. However, she soon found the studies to be too different from her lifestyle and interests, and instead accepted an offer to work at a circus, where she continued to work until after she met Massimo. At the time of the wedding, Massimina did not practice the faith; she received the sacraments of Christian Initiation in view of the impending marriage.
2. They met in 2002. At that time, Massimina was part of the circus dance corps, which Massimo's family had invited to give a performance for their company. Initially, the parties saw each other sporadically, as Massimina often traveled with the circus. However, at the

end of 2002, Massimina quit her job at the circus and moved to N., where she immediately found employment thanks to her mastery of numerous foreign languages. At that time, Massimo lived at home. Massimina received a warm welcome from Massimo's parents, whom she felt treated her like a daughter.

3. The sincerity of their relationship and the authenticity of their mutual feelings motivated the young couple to attend a marriage preparation course. Though they did not yet have a specific date in mind for their wedding, they had already begun to think about it. During the prenuptial investigation, Massimina was faced with the question of children. This was one of the aspects of Christian marriage that she was being asked to accept, but which did not part of her plans. When the priest asked her whether she was willing to accept children in her marriage to Massimo, Massimina said yes, but only because that was the answer the priest was expecting. She thought to herself that maybe one day she would change her mind. In reality, however, she always maintained her position of excluding, motivated by her fear of the effects that pregnancy would have on her physique, which was very important to her, and by her pessimistic vision of the future world into which she would be bringing children. However, she never told Massimo about any of this, nor did he have any reason to doubt her position, as he had never explicitly addressed the issue with his fiancée.
4. The wedding was celebrated at N in 2007, and the marital life began happily, just as the courtship had happily evolved. For the first two years of common life, the couple devoted themselves to strengthening their relationship, traveling, and setting up their home. After two years, however, Massimo began to ask Massimina to try to have a child. She would stall, saying that it wasn't the right time. Massimo went along with her request to wait, and took charge of their contraceptive measures. Massimina, as mentioned, was very attentive to her physical health and did not want to risk any sort of side-effect from hormonal birth control. On more than one occasion, Massimo brought up the topic, and on more than one occasion Massimina was evasive, refusing to have marital intimacy without the use of protection. Although he did not tolerate these continual refusals, Massimo sincerely loved her and expected that, one day, his wife would agree to try for a child. In the meantime, they bought a dog, which Massimo hoped would win Massimina's heart over to the idea of children. With the passage of time, however, relatives and friends also began to notice that the couple, though beautiful and in love, did not appear to be on the same page when it came to children. Above all, they noticed Massimina's evasive responses to any attempt to broach the subject.
5. After nine years of common life and many denials on Massimina's part, one morning in November of 2016, Massimo expressly asked his wife whether or not she wanted children, specifying that she needed to respond either "yes" or "no". Massimina said no, and Massimo told her that, if that was how things were, he could no longer stay with her. Though he did not deny his feelings for her, neither could he renounce the idea of fatherhood. He told her that if he had known this before he would have decided not to marry her, even though this decision would have been made with a heavy heart. Massimo immediately took the initiative for the separation, which was jointly filed in 2017, and which has recently been superseded by mediated negotiations for the cessation of the civil effects of marriage. After a few months of separation, Massimo met a girl with whom he established a new relationship and with whom he is also expecting the child that he has so long desired, who is due next May.
6. Motivated by his religious sensibilities, and desiring to clarify his own marital experience in the hope of starting a new family founded on the Sacrament of marriage, Massimo now turns to the judgment of the Church in order that it give a definitive pronouncement about the validity of the consent given by Massimina in the circumstances and conditions described above. On her part, Massimina desires to participate in this process out of the deep conviction that she excluded an essential good of Christian marriage, though without intending to deceive the man for whom she has always harbored deep and true feelings, and who harbored those same feelings for her.

*** **

In light of all the foregoing, the undersigned Advocates, in the name and on behalf of our clients who also subscribe to this *libellus*, invoke the justice of This Very Reverend Tribunal,

competent as the place in which the wedding was celebrated, and ask that, after having obtained all of those proofs that will be considered useful, it declare the nullity of the marriage *de quo*, owing to the exclusion of the good of children on the part of the woman, Co-Petitioner in the cause, according to the senses of can. 1101 § 2 CIC.

Considering that the facts on which the present cause of nullity is based are affirmed by both parties jointly, considering that the exclusion *de qua* is the very cause that led to the separation of the parties, and considering that the circumstances described above are confirmed by the declarations of witnesses, appended to this *libellus*, the undersigned Advocates ask that the Judicial Vicar of This Very Reverend Tribunal decide that the present cause be handled according to the "briefer process" established in canons 1683 and following (as introduced by the *motu proprio "Mitis Iudex Dominus Iesus"* and articles 14 § 1 e 2 of the Procedural Norms), designating the Bishop of N. as the Diocesan Bishop deputed for the judgment and sentencing of the cause.

Sincerely,
N, March 19, 2018.

TRANSCRIPTION OF THE DECLARATIONS OF FR. GIANFRANCO

DECLARATION.

I, the undersigned Fr. Gianfranco, born in X in 1943, and presently retired, declare that I know Massimo personally. I consider him to be a trustworthy and objective person in the evaluation both of his own marital experiences and generally. His family instilled in him his morality and values, also with regard to life in general.

With regard to the path that he has undertaken to ascertain the validity or nullity of his own marriage, I consider him to be completely sincere. This is also because he has spent a lot of time reflecting with Ms. Massimina, seeking understanding and agreement as a couple. I know Ms. Massimina, and I also certainly and truly believe that she has always excluded the possibility of having children. This was due, above all, to her preoccupation with her body, which has been the object of an almost maniacal attention and preoccupation on her part.

I have been aware for some time now of the marital circumstances of Mr. Massimo. Despite his love for Ms. Massimina, he perceived that she was totally closed-off to the possibility of having children due to her excessive preoccupation with her body. She was completely oriented towards physical activity, which he considered to be the most important thing for her.

Therefore, I declare for all intents and purposes permitted by law and by canon law, that the cause for the nullity of the marriage between Mr. Massimo and Ms. Massimina should be taken into consideration.

_____, January 29, 2018

Fr. Gianfranco

TRANSCRIPTION OF THE DECLARATIONS OF WITNESS 1

I, the undersigned Manuela, born in N in 1977, and currently residing in the province of N., declare the following the purposes of the cause for nullity regarding the marriage between Massimo and Massimina. I authorize the use of this written statement for the purposes of the above-mentioned process.

I met Massimo and Massimina when I began dating the man who is now my husband. It was 2010, and even at that time I thought it strange that, despite being married for a few years, they did not yet have children. Already at that time you could see that Massimo was not at all hesitant about the idea of having children. Actually, he expressed his desire to

have children, even though, as it should be in marriage, he wanted Massimina to agree. When she was urged to have children, she would maintain that it was still not the right time. Her manifestation of this became even more evident when I became pregnant with T. in 2011. Massimo and Massimina were among the first people I told, since Massimo was the Best Man at our wedding. That very night Massimina called to congratulate me for the happy news, and when I told her that it would be her turn soon, she gave the usual response: "now wasn't the time; there was still time; she would have to handle everything on her own"... I mentioned that I, too, would have to handle everything on my own, even though I had sought out the pregnancy and wanted it. She basically told me that her mother-in-law would be there to help, but that she still didn't feel ready.

In the years to come, Massimo was affectionate towards our little T., while Massimina always stayed one step back. I got the impression that the topic had become something of a taboo. We were not able to meet up often after that, because your life as a couple changes once you have children. Nonetheless, we always stayed connected, especially because Massimina is my son's godmother, and I didn't want to lose that connection. From various phone calls, I understood that I shouldn't ask her about motherhood anymore; I also understood Massimo's frame of mind more and more.

On December 8, 2016, my husband informed me that Massimo and Massimina had decided to separate. I asked Massimina to if we could talk on the phone so that I could understand how they got to that point. She told me frankly: "the reason has always been the same, and you know that: I don't feel up to it and he asked me (I later learned from Massimo that he had given her an ultimatum). I had to tell him the truth, that he wouldn't have children with me. I can't stop him from starting a new life or force him not to have children due to my decision; anyway, I am just not up to it."

I remember this conversation well because I thought at that time that Massimina was opening her heart to me and that she had finally stopped making excuses. She wasn't stalling and she wasn't tensing up at the word "children." She had truly and totally come to peace with herself and with what she wanted, which was different from what her husband Massimo wanted.

I thought that if that was the situation and if she was speaking so "calmly" about it to me, then the only way for them to be happy would be for them to resign themselves to not having a future together...

This is a summary of all that has occurred over these past years.

Sincerely, M.

TRANSCRIPTION OF THE DECLARATIONS OF WITNESS 2

When I met Massimo and Massimina, they were already married, so I don't know about their courtship or wedding preparations, except for those events that they told me about themselves.

I met Massimo through my husband S. They both shared a passion for scuba diving and motorcycles, and so we began to spend time with them. That is how I met Massimina, and from that point on we developed a good friendship and would often get together for lunch, dinners, or trips.

I can say that Massimo is a good person. He is very generous, kind-hearted, and dynamic. He believes in the values of friendship, family, and marriage. He is a candid and extroverted person.

I can say that Massimina was a generous and pleasant person during the time that we spent together. However, she is inclined to spend her time alone or with other people who share her same passion for sports, specifically CrossFit, running, diets, etc...I did not get

the impression that she was interested in having a “traditional” family life. While we were on vacation in the mountains, she told me over a cup of coffee that she did not intend to have children. On a few occasions, around others, she would speak of their wedding day; she described it as beautiful, but did not appear to be overly enthusiastic.

A found out about their decision to end the marital union after the fact. That said, in hindsight you could pick up on certain behaviors, almost like they weren’t even married but just lived two separate lives.

Knowing Massimo and his character, I believe that he would have done everything possible to save the marriage, for example, adapting to her sporty lifestyle, training with her and participating in her favorite physical activities.

In my opinion, you can’t have plans or desires for your family without being able to share those with your own spouse.

TRANSCRIPTION OF THE DECLARATIONS OF WITNESS 3

I, the undersigned Alex, born in N in 1974 and residing at N., would like to declare that which I know regarding the marriage of Massimo and Massimina, and I authorize the use of this written statement for the purposes of canonical nullity proceedings at the Ecclesiastical Tribunal.

I met Massimo and Massimina in 2007, when I met Massimo for the first time at scuba diving practice.

This context allowed us to spend a lot of time together and to talk about our families. I had the pleasure of meeting the families of both Massimo and Massimina.

I got the impression that both families were traditional and that they valued family and children. Both Massimo and Massimina, in fact, have siblings whom I have met. I have always gotten the impression they are good people with the same values that Massimo and Massimina had.

At the time that I met Massimo, they were already married. Their life was “calm” and characterized by sharing.

In those years, considering that Massimo was relatively young, I never openly asked about the topic of children. I didn’t want to push the wrong buttons (if they were having difficulty conceiving, for example), or bring up anything that might make him sad. I wanted to respect their decisions and circumstances.

In 2011, I myself got married. Massimo was my best man.

At that time, it came up directly that Massimina had openly admitted that, in her opinion, Massimo was not ready to have children. She considered him to be too immature. I myself absolutely believed him to be a sunny, joyful person; I also felt like he was equally sensible and really had his head on his shoulders, also considering that they were going through difficulties, first with work, and then with the death of Massimina’s mom.

Massimina herself confided these things to my wife.

I had a son in 2012. This caused me to grow apart from Massimo and Massimina, simply because our family “schedules” were different. The distance (around 80 km) also made everything more difficult. Nonetheless, we kept in touch and got together when possible. At that time, Massimo told me about Massimina’s passion for fitness, which had so taken over her life that Massimo and Massimina would often spend their weekends apart. It was clear that their life was becoming more and more individual and less and less “couple-oriented,” not because a decision on either part, but simply because they had different

interests.

Massimo always made time for T., my son, and played with him whenever we got together. Massimina, too, was affectionate towards T. It was only natural for me to ask Massimo if there were any changes on the horizon. On more than one occasion, Massimo confided to me directly that Massimina didn't want to, that she had commitments at the gym and couldn't afford to get pregnant. Massimo confided in me that, on more than one occasion, they had had difficult conversations. They had established some benchmarks to check in about Massimina's desires, but she would continually push them back and the situation was becoming difficult. You could see that they were two people with different objectives, or at least with less and less in common.

Towards November or December of 2016, Massimo called to tell me that they were separating. The news didn't really surprise or shock me; I was expecting it. When I first met them, they seemed like a couple, but towards the end I thought that it was only a matter of time.

The crux of the matter was clear: it was Massimo's desire to have children, and the fact that Massimina had other ideas.

Even when he was talking about his company, on more than one occasion Massimo told me, "Who am I doing all of this for???", making it clear that he wanted to be a father.

I believe that their relationship, especially over the last two years, was hobbling along due to their different ideas about children. Given that, was only natural for them to have two different plans for the future.

QUESTIONS FOR THE DEPOSITION OF THE PETITIONER

1. Generalities, oath, domicile, civil status, profession, religious practice, parish. Is there any priest who knows you? Do you confirm the *libellus* that you jointly presented with Massimina?
2. How was your family of origin composed? Describe your family environment growing up. What type of relationship did you have with the members of your family? How would you describe your personality? What kind of upbringing did you receive at home? What was your religious practice like at the time of the wedding? What is it like today?
3. How was Massimina's family of origin composed? Describe her family environment growing up. What type of relationship did she have with the members of her family? How would you describe her personality? What kind of upbringing did she receive at home? What was her religious practice like at the time of the wedding? What is it like today?
4. How and when did you meet? How was your courtship? Were there any fights or breakups? If so, for what reason? Were you having intimate relations? If so, did you use protection? What did your families think about your relationship? Did you plan to marry and to have a future life together?
5. Who proposed marriage? When? How did each of you live out the time of preparations? Did you attend a marriage preparation course? Did you both intend to accept the essential obligations of Christian marriage: the indissolubility of the bond / openness to children / fidelity? Specifically, what were your positions regarding openness to children?
6. Please describe the wedding day and honeymoon. Upon your return, how was the transition to married life? Was any form of contraception being used? Which ones? On whose initiative? Over the course of your married life, did you ever have relations that were potentially open to life? What was Massimina's attitude towards the children of relatives and friends? Did relatives and friends ever ask you about the issue of children? How would Massimina respond?

7. When did you ask Massimina to have children, and what was her reaction? In the following years, did you ever again ask Massimina to attempt to have a child? How would she respond? When did Massimina openly affirm that she did not want to have children? Was this a refusal that pertained specifically to you, or a general position? What reasons did she give to justify this refusal? What was your reaction?
8. Who initiated the separation? When and why? Who are the witnesses that you named? Would you like to add any witnesses? Is there anything you would like to add, clarify, or correct?

QUESTIONS FOR THE DEPOSITION OF THE RESPONDENT

1. Generalities, oath, domicile, civil status, profession, religious practice, parish. Is there any priest who knows you? Do you confirm the *libellus* that you jointly presented with Massimo?
2. How was your family of origin composed? Describe your family environment growing up. What type of relationship did you have with the members of your family? How would you describe your personality? What kind of upbringing did you receive at home? What was your religious practice like at the time of the wedding? What is it like today?
3. How was Massimo's family of origin composed? Describe his family environment growing up. What type of relationship did he have with the members of his family? How would you describe his personality? What kind of upbringing did he receive at home? What was his religious practice like at the time of the wedding? What is it like today?
4. How and when did you meet? How was your courtship? Were there any fights or breakups? If so, for what reason? Were you having intimate relations? If so, did you use protection? What did your families think about your relationship? Did you plan to marry and to have a future life together?
5. Who proposed marriage? When? How did each of you live out the time of preparations? Did you attend a marriage preparation course? Did you both intend to accept the essential obligations of Christian marriage: the indissolubility of the bond / openness to children / fidelity?
6. What was your position regarding openness to children? Why did you state during the prenuptial investigation that you would accept children? For what reasons were you unwilling to have children with Massimo? Was this refusal specific to him, or was it a position that you held in general?
7. Please describe the wedding day and honeymoon. Upon your return, how was the transition to married life? Was any form of contraception being used? Which ones? On whose initiative? Over the course of your married life, did you ever have relations that were potentially open to life? What was your attitude towards the children of relatives and friends? Did relatives and friends ever ask you about the issue of children? How would you respond?
8. When did Massimo ask you to have children, and what was your reaction? In the following years, did Massimo ever again ask you to attempt to have a child? How would you respond? When did you openly affirm that you did not want to have children? Was this a refusal that pertained specifically to him, or a general position? What reasons did you give to justify this refusal? What was his reaction?
9. Who initiated the separation? When and why? Who are the witnesses that you named? Would you like to add any witnesses? Is there anything you would like to add, clarify, or correct?

QUESTIONS FOR THE DEPOSITIONS OF WITNESSES

1. Generalities, oath, domicile, religion, parish. Is there any priest who knows you? What is your relationship to the parties? Do you confirm this declaration that you signed?

2. Please describe Massimo's personality. What kind of upbringing did he receive at home? What was his religious practice like at the time of the wedding? What is it like today? What type of relationship did he have with the members of his family?
3. Please describe Massimina's personality. What kind of upbringing did she receive at home? What was her religious practice like at the time of the wedding? What is it like today? What type of relationship did she have with the members of her family?
4. How and when did Massimo and Massimina meet? Please describe their courtship. Were there any fights or breakups? If so, for what reason? How did their respective families feel about their relationship? Were they making any plans to marry and for their future life together?
5. Who proposed marriage? When? How did each party live out the preparations? Did they attend marriage preparation? Did they express an acceptance of the essential obligations of Christian marriage: indissolubility of the bond / openness to procreation / fidelity? Specifically, what was Massimina's opinion regarding children? What was her attitude around the children of relatives and friends?
6. How were the wedding and honeymoon? How was the transition to married life? Do you know anything about their marital intimacy: whether they used any form of birth control and, if so, what was used and on whose initiative?
7. When did Massimo ask Massimina to try to have a child? What was Massimina's reaction? In the years to follow, did Massimo ever again make this request? How would Massimina respond? Did you or other relatives or friends ever ask the couple, or Massimina in particular, about the topic of children? How would she respond?
8. Are you aware of when and why Massimina openly told Massimo that she did not want to have children? What was Massimo's reaction? Do you know why Massimina was unwilling to have children? Was this a refusal that specifically concerned Massimo, or a general position?
9. Who initiated the separation? When and why? Is there anything that you would like to add, clarify, or correct?

REGIONAL ECCLESIASTICAL TRIBUNAL

Prot. n. _____

Decree admitting the *libellus*, citing the parties, and proposing the doubt

I, the undersigned Judicial Vicar,

- Having examined the *libellus* presented on April 26, 2018, by Mr. Massimo and Ms. Massimina, by which they have asked that the nullity of the marriage that they contracted in 2007 in the parish of N., be declared null owing to an exclusion of the good of children on the part of the woman;
- Having verified the competence of the Tribunal according to the senses of can. 1672 nn. 1 – 2- 3;
- Having verified that the parties appear to be capable of standing trial;
- Having verified that the petition does not appear to be manifestly unfounded;

In accordance with the norm of can. 1676 § 1, by the present decree:

1. **Admit** the *libellus* presented by the parties, and admit the advocates R and B as patrons for the parties;
2. **Appoint** Mrs. X as Defender of the Bond;
3. **Order** that the *libellus* be communicated to the Defender of the Bond;
4. **Propose** that the doubt in the cause be formulated as follows: **“Whether the nullity of the marriage in question is proven due to the exclusion of the good of children on the part of the woman”;**

5. **Cite** to trial the parties and the Defender of the Bond, conceding the Defender of the Bond **fifteen days** from the date of receipt of this decree to raise any eventual exceptions;

6. Once the time limit of fifteen days from the receipt of this decree has elapsed, I will proceed to formulate the doubt as proposed.

This decree is to be notified to all interested parties.

JUDICIAL VICAR
NOTARY

REGIONAL ECCLESIASTICAL TRIBUNAL

Prot. n. _____

I, the undersigned Defender of the Bond, declare that I have taken act of the *libellus* regarding the above-mentioned marriage nullity cause on May 28, 2018, and that I have no exceptions to raise in its regard.

As for the request that the petition be handled according to the briefer process of cann. 1683-1687, indicated at the end of the *libellus*, which was jointly signed by the parties, both of whom have mandated the same Procurator-Advocates, to the mind of this Defender of the Bond, no indications of manifest nullity. required to proceed according to the briefer process, are present.

Defender of the Bond

REGIONAL ECCLESIASTICAL TRIBUNAL

Prot. n. _____

**Decree formulating the doubt,
constituting the college in first instance,
and opening the instruction in the *processus brevior***

Considering that the decree of the admission of the *libellus* was communicated to all interested parties in accordance with the norm of can. 1676 § 1;

Noting that the parties received the decree and did not offer any observations;

Considering that on May 28, 2018, the Defender of the Bond expressed her reservations regarding the handling of the cause according to the briefer process, which we may summarize with the contention that the circumstances of facts and persons required for manifest nullity were not present (cf can. 1683 n. 2);

I, the undersigned Judicial Vicar, considering that both requirements of can. 1683 are present, and in light of can. 1676 § 2,

order

1. That the cause is to be handled according to the briefer process, as per the norms of canons 1683-1687, in accordance with the following;
2. According the senses of can. 1676 § 2 and § 5, I formulate the doubt as follows: "**Whether the nullity of the marriage in question is proven due to the exclusion of the good of children on the part of the woman**".

The parties have 15 days for any motions, after which time, if no motions are raised, the briefer process will proceed.

3. According to the norm of can. 1685, I appoint:

M

- Instructor

C.

- Assessor

to consult, according to the senses of can. 1687 § 1, with the Bishop of N., competent according to the norm of can. 1672.

4. In accordance with cann. 1685 and 1686, I cite the parties and witnesses to appear before the Diocesan Seat of the Tribunal on July 13, 2018 (parties) and July 16, 2018 (witnesses), as indicated in the attached schedule.

Advocates R and B are charged with ensuring that the parties and witnesses are notified of the citation and that they are present on the day and time indicated above, and to confirm to the Tribunal that this has been carried out.

The parties are reminded that, in accordance with art. 18 §1 of the procedural rules for the handling of causes of marriage nullity, *“the parties and their advocates can be present for the examination of other parties and witnesses unless the instructor, on account of circumstances of things and persons, decides to proceed otherwise.”*

- 5. This decree is to be notified to the parties; should they so consider, they have the faculty of proposing exceptions to the persons listed above, which must be presented within and no later than fifteen days of their receipt of this decree.

JUDICIAL VICAR
NOTARY

Advocate R.

MOTION TO RENOUNCE THE USE OF THE “BRIEFER” PROCESS

In the above-mentioned cause, the undersigned advocates R and B, noting that,

- 1. On June 20, 2018, Ms. Massimina told Advocate R that it would be impossible for her to be present at the hearing scheduled for July 13, 2018;
- 2. Having been informed of this, Mr. Massimo expressed a desire to do what was possible to ensure that the cause unfolded legitimately;
- 3. Having informed the parties that it would be opportune that the cause be handled according to the ordinary process, without prejudice to their rights, which would also provide them with a more complete and detailed instruction, Ms. Massimo expressed his own consent to the renunciation of the use of the “briefer” process in favor of the ordinary process;

Therefore, we REQUEST that the Judicial Vicar, after revoking the decree admitting the cause to the briefer process, order that the cause be handled and judged according to the ordinary process.

Sincerely
Enclosed: copy of email.
_____, June 25, 2018.

From: Massimo
Date: Monday, June 25, 2018 at 12:09
To: Law Office
Subject:

Dear Advocate,
I confirm receipt of the forwarded email and agree that it would be better to renounce the use of the “briefer” process in favor of the ordinary process. I would ask you to present the relative motion to the Tribunal so that the process can duly proceed.

Sincerely

From: Law Office
Date: Monday, June 25, 2018 at 09:20

Dear Mr. and Ms., in light of Ms. Massimina's inability to attend the session scheduled for July 13, and considering the effect that this will have on the dynamic of the process, it would be most opportune to present a motion renouncing the use of the "briefer" process in favor of the ordinary process. This will ensure the timely and legitimate handling of the cause, and will also allow for a more complete instruction, which will better provide for a detailed reconstruction of the facts that will be made available for the judgment of the Tribunal.

I will await your confirmation, and offer you my regards.

REGIONAL ECCLESIASTICAL TRIBUNAL

Prot. n. _____

**Decree altering the procedural form,
constituting the court in first instance,
and opening the instruction of the ordinary process**

Considering that a decree issued on June 13, 2018, ordered that the cause be handled according to the briefer process, as per can. 1676 § 2, and determined the formula of the doubt;

Considering the motion raised on June 25, 2018, with which the Procurator-Advocates of the parties requested that the cause be instead handled according to the ordinary process;

Considering that one of the essential conditions for the briefer process, as per can. 1683 n. 1, is now lacking;

by this decree, I hereby

1. Confirm the formula of the doubt as established on June 13, 2018;
 2. Order, in accordance with the norm of can. 1676 § 2, that the cause be handled according to the ordinary process;
3. In accordance with the norm of can. 1676 § 3, designate that the judges appointed for the cause are C., Presiding Judge; R., Judge; B., Instructing Judge;
4. This decree is to be notified to the parties; should they so consider, they have the faculty of raising an exception against the above-mentioned persons, which must be presented prior to and no later than **July 16, 2018**.
5. Once the time limit has expired, the instruction, which has been entrusted to judge B., will begin.
6. The summons established by the preceding decree are to be considered thereby cancelled, and the Procurator-Advocates are to inform the witnesses of this.

_____, June 29, 2018.

JUDICIAL VICAR
NOTARY

7th Renewal Course of Marriage Law and Canonical Procedure

2nd Practical Case on "Problematic Questions Regarding the Application of the *processus brevior*"

Prof. Msgr. Gian Paolo Montini

THE METROPOLITAN TRIBUNAL

T.-B. 2017 BRIEFER PROCESS

FINAL DECISION

IN THE NAME OF GOD, AMEN.

With Pope Francis as our Holy Father, and X Archbishop, the Metropolitan Tribunal, with Rev. Adjutant Judicial Vicar, as Instructor and Dr. Y acting as Assessor for the Briefer Process in accord with the provisions of *Mitis iudex, Dominus Iesus*, which came into effect on December 8, 2015, the Ordinary issued the following Definitive Sentence. The Petitioner is domiciled in the Archdiocese at case acceptance; the Respondent is domiciled in the Diocese of W at case acceptance. The Petitioner has impugned the validity of his marriage to the Respondent on the grounds of a defect of consent by reason of an incapacity to assume the essential obligations of marriage, on the part of the Petitioner. The Officers of the Court are J (Procurator/Advocate for the Petitioner), D (Procurator/Advocate for the Respondent), and Rev. G. (Defender of the Bond).

THE FACTS

T., Catholic, then age thirty, married B., Unbaptized, then age twenty-seven, in 1997 at The parties, had begun dating in approximately 1996. The length of the marriage was fifteen years and two children were born of the union. The Respondent obtained a civil divorce in 2014.

On January 17, 2017, T. presented a petition to this Tribunal utilizing the Briefer Process as promulgated in *Mitis iudex, Dominus Iesus*, alleging the nullity of his marriage to B. by reason of a defect of consent. The Adjutant Judicial Vicar, having determined the Tribunal's competence by reason of Place of Contract and having been reviewed by the Defender of the Bond, accepted his petition for trial on January 24, 2017. The doubt to be resolved in this case has been formulated thus:

Has the nullity of the T.-B. marriage been fully proved on the grounds of a defect of consent by reason of an incapacity to assume the essential obligations of marriage, on the part of the Petitioner?

The case was then ordered instructed. The parties and the Defender having no additional evidence to introduce, the case was ordered concluded. The Advocates and Defender were ordered to present their submissions, and these have been duly received and considered.

The case contained a *Libellus* which was given to the Respondent who signed it on December 15, 2016 stating that she agreed with the facts as presented in the *Libellus*. With doubt resolved, three witnesses corroborated the testimony of the Petitioner and the Defender of the Bond gave his animadversions. When all was prepared, the Instructor asked the Assessor for his assessment of the case and the case was concluded and published.

On August 15, 2015, His Holiness, Pope Francis, promulgated new law for the Church in his *motu proprio, Mitis iudex, Dominus Iesus*, which came into effect of December 8, 2015. This *motu proprio* created the "Briefer Process" which clearly states in Article 14 that "the defect of the use of reason which is proved by medical documents, etc." (drug and alcohol

addiction) is an indicator of a case that can be handled by means of the Briefer Process. The case was therefore concluded on February 16, 2017 having been fully instructed and the following decision was prepared for the Archbishop's discretion.

THE LAW

[p. 1 – p. 7]

[...]

Therefore, in examining marriage nullity cases on grounds of canon 1095, §3, the key issue is the **incapacity** of the person to assume the obligations of marriage at the time of consent.

As

Lawrence G. Wrenn states:

... The direct, immediate object of the judge's investigation is the ability or inability of the party to fulfill the obligations of marriage. The judge looks at the behavior, the performance of the person before and after the marriage. If the conclusion is reached that the person did not fulfill essential responsibilities and indeed could not, the judge then goes on to conclude that the person was unable to assume those obligations, since it is axiomatic that one cannot assume what one cannot fulfill. (*The Invalid Marriage* [Washington, D.C.: Canon Law Society of America, 1998] 44).

In conclusion, a judge must have moral certitude (canon 1608, §1) regarding the **incapacity** on the part of a contractant to assume the essential obligations of marriage at the moment of consent. Such moral certitude is to be drawn from the various objective and juridical proofs, including *peritia* if the judge discerns this is necessary. While it has been pointed out, generally, *peritia* is one of the most important proofs in cases involving canon 1095, §3, it need not always be such, since it is only one of several proofs and the judge has the right to decide if it is useless. On the other hand, due to the circumstances of a given case, the judge may decide *peritia* is useful. What is important is that the judge weigh all the existent proofs, as well as the psychological condition of the contractants, so that the judge is able to attribute juridical importance to "the psychopathological condition" that is the cause of nullity of marriage (see the decision *coram* Pinto, December 14, 1984, *Monitor Ecclesiasticus* 113 [1988] 446-447) and arrive at an enlightened, wise, just and juridically sound decision, consonant with moral certitude.

THE ARGUMENT

The Petitioner, T., initially submitted testimony on January 17, 2017. Given that the Respondent, B., read the *Libellus*, agrees to the facts and does not object to the Petitioner's attempt to declare the marriage null, the clear case as indicated by Article 14 of *motu proprio*, *Mitis iudex*, *Dominus Iesus* and the corroborating evidence of three witnesses and by authentic documents -- there is no reason to doubt the veracity of his statement.

The couple met each other in approximately 1996 when according to the testimony of the Petitioner his "addiction was progressing," yet he was unaware that he had a problem. The Petitioner testified in the *Libellus*:

I started using drugs and alcohol as a teenager and progressed as I got older. I certainly did not know at the time that I suffered from the disease of addiction, but looking back on it now, it is abundantly clear that the obsession and compulsion aspects of addiction were taking hold of many parts of my life... (By 2002) my increasing abuse of alcohol and drugs was destroying our marriage and the next decade was dominated by my using. The pain and suffering that I caused T. with my drug abuse is something I have to deal with to this

day, and it finally reached a point where she asked me to leave the house in January 2013, and she filed for divorce in the spring of 2015.

The Petitioner testified that he entered a drug rehabilitation program in April 2013 and regularly attended Narcotics Anonymous meetings. Three witnesses — the Petitioner's mother, Brother and sister-in-law — submitted statements confirming the facts of the case. After the parties' two sons were born, his mother noted a change in his behavior: "I began to notice that T.'s behavior was troubled and something was wrong, which led me to believe it was because of excessive drinking of alcohol." His brother notes: "I believe his decision-making is far stronger now than during the period of drug abuse." And his sister-in-law submitted: "I closely witnessed his life during this time. I certainly believe his decision-making was impaired, and he was not in the proper frame of mind to enter into marriage due to his drug abuse."

All witnesses note that the Petitioner's faith and family has assisted him in his recovery.

WHEREFORE, having carefully examined all of these matters of law and of facts, having invoked the Divine Name, I, the Archbishop duly empowered by *motu proprio*, *Mitis Iudex*, Dominus Iesus, with God before me, declare, decree and define in answer to the proposed doubt:

AFFIRMATIVE

The nullity of the T. – B. marriage has been proved on the ground of defect of consent by reason of an incapacity to assume the essential obligations on the part of the Petitioner in accord with the Briefer Process.

I decree that this definitive sentence be published according to Canons 1509, 1615, and 1687 §2
[*Mitis Iudex*].

I finally decree that this definitive sentence be executed in accordance with the Sacred Canons.
Given in at the Metropolitan Tribunal of the Archdiocese, January 19, 2017.

Archbishop of ...
Adjutant Judicial Vicar and Instructor
Ecclesiastical Notary

THE METROPOLITAN TRIBUNAL

T.-B. 2017 BRIEFER PROCESS

SUMMARY

Your [Excellency]:

Contained within this file is a decision of a marriage that endured for 15 years. The Petitioner struggled with drug and alcohol abuse since he was a teenager; however, only sought treatment after the demise of the marriage. All three of his witnesses confirm his statement.

If you agree with this decision kindly sign the last page in the appropriate area. Respectfully,
Adjutant Judicial Vicar