

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES

3

4 DEPARTMENT NO. 104 HON. Robert J. Perry, JUDGE

5

6 THE PEOPLE OF THE STATE OF CALIFORNIA,)

7 PLAINTIFF,)
8 VS.) SUPERIOR COURT
9) No. BA353907

9 01) sandeep kapoor,)
10 02) khristine eroshevich,)
10 03) howard k. stern,)
11 Defendants.)

12 _____)

13 Reporters' transcript of proceedings
14 thursday, October 7, 2010

15

1 MR. SADOW: On September 7th, 2006, a 38-year-old
2 Anna Nicole Smith, under the Alias of Jean Smith, gave
3 birth to a healthy, normal, beautiful baby girl in a
4 Bahamian hospital. The baby was not born drug dependent,
5 did not suffer from withdrawal symptoms. Howard K. stern,
6 who I will refer to from now on as Howard, who loved and
7 Cherished Anna was present for the birth of the baby. The

8 birth was no doubt one of the most joyous moments of Anna's
9 life. The hopeful beginning of a new chapter in the lives
10 of Anna and Howard.

11 The birth of the baby was celebrated by Anna,
12 Howard, and the friends as we've shown you in defense
13 photos which were marked "W." Three days later Anna lost
14 her 20-year-old son Daniel who had come to see his new
15 sister. Daniel was found dead in Anna's hospital room.
16 The best of times became a horrible nightmare, a nightmare
17 that Anna never escaped nor recovered from.

18 I have sat here with you for nearly two months
19 listening to the prosecution trash Anna as an
20 out-of-control drug addict. None of the prosecution team
21 ever met Anna. They never experienced Anna as a person, as
22 a loving, caring human being. Howard did. Never watched
23 her personality and beauty light up a room. Howard did.
24 Never experienced her charisma, her kindness and her charm.
25 Howard did. Never experienced her Idiosyncrasies. Howard
26 did. Never experienced her controlling nature, her
27 independence and her strong will. Howard did. The
28 prosecution team has no first-hand knowledge or personal

1 knowledge of Anna's chronic pain and emotional pain.

2 Howard does. He lived with it for years.

3 Finally in closing argument I heard deputy d.A.

4 Barkhurst, in what I believe to be a Callous and uncaring

5 fashion, trivialize and belittle Anna's reaction to the

6 tragic and heartbreaking loss of her son Daniel. It's time

7 folks, it's time for someone to stand up and say, it ain't

8 right, and I want to do that. I'm going to spend the next

9 couple of hours talking about it.

10 I say to the prosecution on the evidence that

11 they've put up in this case, with all due respect, how dare

12 you. How dare you degrade and disparage Anna and her life

13 in such A condescending, critical and cynical manner. How

14 dare you mock and ridicule this woman and mother you never

15 knew. Enough is enough. This trial is supposed to be a

16 search for truth, not a win at all costs. The

17 prosecution's overreaching in this case appears to know no

18 bounds. Every action and judgment of the three people on

19 trial has been second guessed, reviewed in the light of

20 20/20 hindsight, criticized, criminalized and

21 misrepresented whenever possible for the sole purpose of

22 gaining convictions. This overreaching must be stopped,

23 and ladies and gentlemen of the jury, it's up to you to do

24 it.

25 I want to set the tone because what I intend to
26 do is to take on all the evidence pointblank up front. I'm
27 not going to shy away from any of it. I wish I wasn't
28 here, although I have to tell you I'm proud to be Howard's

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1 Defender, and I'm going to strive in what I tell you in my
2 final remarks to be Candid and honest. I'm going to really
3 try to call it as it was put forth in this case on the
4 witness stand. Your goal, our goal is supposed to be to
5 see justice.

6 What we've had here is reflection in judgment
7 in the aftermath of death and tragedy. Well, that's
8 natural and human. It doesn't give us the realtime feel
9 for what happened. We've heard things now in October of
10 2010. These events transpired from 2001 to February the
11 8th of 2007. Your perspective, your context of these
12 events should be based on what happened then, not as people
13 see it now. I want you to view it in terms of what Howard
14 saw in good faith, what he believed he saw in good faith
15 before the death and tragedy changed People's opinions and
16 blurred the truth.