

An insight into places
rarely caught on camera

world's **unfolds** stories

SEARCH



THE WEB



CNN.com

SEARCH

[Home Page](#)[Asia](#)[Europe](#)[U.S.](#)[World](#)[World Business](#)[Technology](#)[Science & Space](#)[Entertainment](#)[World Sport](#)[Travel](#)[Weather](#)[Special Reports](#)[Video](#)[I-Reports](#)**ONLY ON CNN**[CNN Pipeline](#)[What's On](#)[Art of Life](#)[Business Traveller](#)[Future Summit](#)[Inside the Mideast](#)[Principal Voices](#)[Quest](#)[Revealed](#)[Talk Asia](#)[Services](#)[Languages](#)

TRANSCRIPTS

[Transcript Providers](#)**Shows By Category:**[Return to Transcripts main page](#)

NANCY GRACE

Legal Brawl Over Anna Nicole's Body

Aired February 21, 2007 - 20:00:00 ET

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE UPDATED.

NANCY GRACE, HOST: Breaking news tonight. The clock is ticking. The legal battle over the death of covergirl Anna Nicole Smith turns into a brawl straight out of a barroom, not a courtroom, as emergency hearings in Florida boil down to a sworn testimony face-off between Anna Nicole Smith's boyfriend/lawyer, her mother, and the photographer claiming he's the father of the covergirl's 5-month-old baby girl. All the while, the chief medical examiner warns the body is decomposing and no longer safe -- fit to move safely. An impromptu viewing is allowed today as the morgue turns funeral home, helicopters hovering overhead, security so tight, even family lawyers told to wait outside.

(BEGIN VIDEO CLIP)

JUDGE LARRY SEIDLIN, BROWARD COUNTY DISTRICT COURT: We got a father, we have another man who may be the father or (INAUDIBLE) father (INAUDIBLE) acting as a father.

Any children?

LARRY BIRKHEAD, ANNA NICOLE'S FORMER BOYFRIEND: One.

SEIDLIN: How old?

BIRKHEAD: Five months, six months.

SEIDLIN: We have Grandma.

VIRGIE ARTHUR, ANNA NICOLE SMITH'S MOTHER: I love my daughter very much. She knew that.

I said, Please (INAUDIBLE) baby. Baby is gone (ph) (INAUDIBLE) you're going to be next. Please pay attention to what's around you and who's around you. Please be careful. I said that on national TV because I knew she was going to be next. My grandson did not overdose! Howard was there when he died, and Howard was there when my daughter died. And he has my granddaughter now, and it's not even his child! And I'm afraid for her life, as well. Please help us!

The drugs (INAUDIBLE) and that picture you saw on TV yesterday, that was not my daughter.

HOWARD K. STERN, ANNA NICOLE'S LAWYER/BOYFRIEND: What you saw on the video? Yes, that's how Anna Nicole talked. I mean, there are times when she's more impaired than that.

SEIDLIN: More impaired than that?

STERN: There are times...

SEIDLIN: Was she impaired in that?

STERN: No. I don't think she was...

SEIDLIN: You just said more impaired than that.

BIRKHEAD: She was taking medications before and during pregnancy.

UNIDENTIFIED FEMALE: How is it that my client kept you from having a relationship with your adult 20-year-old grandchild? How did that happen?

ARTHUR: Because my daughter was on drugs, and she told him that he couldn't have anything to do with any of the family -- not just me, but any of the family -- because Howard told her.

SEIDLIN: What's your source of income?

STERN: Right now, I'm borrowing money from my parents. (INAUDIBLE)

SEIDLIN: You had no separate independent income?

STERN: No.

SEIDLIN: In 2004 -- what happened in 2004 with your income?

STERN: Same thing. It was through Anna. Anna paid my rent.

SEIDLIN: And how about in 2005? What was your income?

STERN: It was the same thing, all the way through (INAUDIBLE)

(END VIDEO CLIP)

GRACE: Good evening, everybody. I'm Nancy Grace. I want to thank you for being with us tonight. Again, it was no courtroom, it was more like a barroom brawl, the rules of evidence out the window. It turned into a face-off of sworn testimony between mother, boyfriend and photographer who claims to be biological dad.

Out to Jean Casarez there on location. Jean, explain.

JEAN CASAREZ, COURT TV: Oh, Nancy, it was unbelievable today. Three witnesses took the stand -- first of all, Virgie Arthur, the mother of Anna Nicole, Howard K. Stern, the companion and attorney, and finally tonight, Larry Birkhead. And Nancy, a lot of questions that we have all wondered about suddenly came to light in that courtroom today.

GRACE: Explain.

CASAREZ: Let's talk about drug use. Howard K. Stern was asked by the judge, Did she take drugs? He didn't want to answer. He said, This is not something I want to talk about. The judge ordered him, We have to know, and the reason we have to know is we have to look at her intent. Did she have the capacity to form intent to actually buy those burial plots in the Bahamas? So finally, Howard K. Stern had to say that methadone was something she had used, not in the last five months, but also several other prescription medications. But he just didn't want to talk. Finally, the judge moved on.

GRACE: Also with us, Art Harris, also in court today. Art, what was your impression sitting in court of the various witnesses? Who won out today?

ART HARRIS, INVESTIGATIVE REPORTER: Nancy, I think it was a stunning moment when Larry Birkhead took the stand, almost of biblical proportions. You had the judge playing King Solomon and asking, What would you do with the body? And he had to say, I think -- even though I would like to have the body here in California, I think she wanted to be next to her son in the Bahamas. And so if she has to be buried there, I could go along with it. I mean, amazing, two men on opposite sides of the fence, seemingly brought together on where she should be buried.

But the portrait of her as a drug user, as this man's -- you know, a woman nearly marrying -- talking marriage with Larry Birkhead, taking drugs while she was pregnant with Dannielynn, discussions of him in the hospital with him, and Howard Stern, sleeping in the hospital with Anna Nicole in California while she tried to detox -- it was a very powerful day, Nancy.

GRACE: So I guess that the answer to the question I asked you is, Birkhead made the best impression in court.

HARRIS: That's what I think he...

GRACE: That's a yes/no! That's a yes/no.

HARRIS: Yes.

GRACE: Yes. OK. Take a listen, Art Harris, to Birkhead.

(BEGIN VIDEO CLIP)

BIRKHEAD: When I moved in with Anna at her request, Mr. Stern -- he had his own apartment at the time, but he would often come over and he would sleep on the couch down below our bedroom. Or he would -- he would be -- he

would, you know, have his run of the house. And sometimes, he would stay there. Sometimes Anna Nicole would be -- I would ask him to leave, or we would have to try to ensure our privacy in some way (INAUDIBLE) in her own home.

Anna Nicole had suffered a miscarriage with my child, and it was creating tension because...

SEIDLIN: What's the year?

BIRKHEAD: In January, she notified me she was pregnant.

SEIDLIN: January of what year?

BIRKHEAD: In 2005. And she miscarried in February of 2005.

SEIDLIN: How old are you?

BIRKHEAD: I'm 34, your honor.

SEIDLIN: Any marriages?

BIRKHEAD: No, sir.

SEIDLIN: Any children?

BIRKHEAD: One.

SEIDLIN: How old?

BIRKHEAD: Five months, six months.

SEIDLIN: Oh, OK.

(LAUGHTER)

(END VIDEO CLIP)

GRACE: Long story short, evidence of miscarriage, drug use, methadone, prior pregnancies, her state of mind going back five years. You know what? Judge Seidlin, let's just take the rules of evidence and throw them out. It's over! There are no rules in this courtroom. Anybody can stand up and say anything they want to about this woman. They can say whatever they want to about any of the other litigants. They're practically booing and cheering in what should be a court of law, Lady Justice doing a back flip!

Let's unleash the lawyers. Joining us tonight, Kim Marie Rayhill (ph), Donald and Doug Burns. Also with us, an expert in wills and probate, Jeff Skatoff, joining us from Florida.

First to you, Doug Burns. What's going on down there?

DOUG BURNS, DEFENSE ATTORNEY: Well, as you said, they turned everything on its head. The thing's absolutely a circus. These are not dignified legal proceedings. And the judge, surprisingly, is just way too glib, in my opinion.

GRACE: Let's go out to the lines. Charlene in South Carolina. Hi, Charlene.

UNIDENTIFIED FEMALE: Hi, Nancy. I was just wondering about Howard Stern. Without a job or income and no financial support from Anna Nicole, supposedly, how is he maintaining -- continuing to maintain the lifestyle of the home, attorneys, security, et cetera?

GRACE: You know what, Charlene? You're a smart lady. You know, men get into a lot of trouble. But when they can't handle the money, you've got to ask what's going on. Let's go to the source. Jean Casarez, Art Harris in the courtroom today. Jean Casarez with Court TV news, what did we learn about Stern's source of income?

CASAREZ: Well, Charlene, at this point, Howard K. Stern said that he got a very big check from his parents because...

GRACE: Whoa, whoa, whoa, wait!

CASAREZ: ... he can't afford...

GRACE: I didn't hear that. How old is this guy?

CASAREZ: Howard K. Stern? I know Larry Birkhead said 36. Howard K. Stern is in his 30s, I guess.

GRACE: And his source of income is what?

CASAREZ: Well, nothing right now. But he got a check from his parents because he said that he needed it to get through these hard times right now. But you know, that's going to benefit him in court, Nancy, because he had direct questions on, Have you gotten money from E entertainment, from "Entertainment Tonight," for any of these things? And he said he hadn't gotten a dime.

GRACE: And, OK, if that helps him, who does it hurt?

CASAREZ: Well, it hurts him also because then you see the fact that he doesn't have income, so the motive would be maybe he needs income. And that means maybe he wants the body for that purpose.

GRACE: Take a listen to this, Jean Casarez.

(BEGIN VIDEO CLIP)

SEIDLIN: What's your source of income?

STERN: Right now?

SEIDLIN: Yes.

STERN: I'm borrowing money from my parents to be here to fight for Anna and fight for...

(CROSSTALK)

SEIDLIN: No, no, no. Don't editorialize on it. When was the last time you earned your own income?

STERN: I had a law practice...

SEIDLIN: What year?

STERN: Up until 2002.

(CROSSTALK)

SEIDLIN: If I had a look at your 2002 tax returns, what would it have showed? What was your income?

STERN: I don't know, Your Honor, somewhere in the range of \$60,000 or \$70,000.

SEIDLIN: In 2003, did you have any income reported on your tax return?

STERN: The income -- yes, well, there was -- from "The Anna Nicole Show" there was income.

SEIDLIN: How much?

STERN: It was pretty small. It was, like, \$12,500 or something like that.

SEIDLIN: And what were you paid as, a consultant?

STERN: No, I was actually on that show. It was a reality show.

SEIDLIN: I see.

STERN: I was with Anna. I was with Anna. My income was with her.

SEIDLIN: You had no separate independent income?

STERN: No.

(END VIDEO CLIP)

GRACE: Judge Seidlin, if you didn't notice the first time I did it, rules of evidence out the window! What does his income in years past have to do with the burial of her body? And this is why I'm concerned.

With us tonight, a renowned forensic pathologist, Dr. Joshua Perper. He along with a team performed a six-hour autopsy on Anna Nicole Smith. He's been begging anybody who that listen to bury the body, to show the body and take care of the burial. Now the body is decomposing while all of these people have a dog and pony show -- and I'm throwing the lawyers in the pot to boil -- while the body decomposes. And that is not what our justice system is all about!

With me tonight, Dr. Joshua Perper. He's the chief medical examiner there in Broward County. Dr. Perper, I understand that today, very rare, the ME's office, the morgue, turned into a funeral home just for a few hours. What happened?

DR. JOSHUA PERPER, BROWARD COUNTY MEDICAL EXAMINER: Well, that's correct. Basically, it was a very dignified viewing, as much as it's a viewing, a regular viewing in a funeral home. The funeral home brought all kinds of accessories, such as high (ph) lamps and standing and kneeling stands and arrangements of flowers and fresh flowers. And some people from our office also added some roses. And the room was very nicely arranged.

And I believe that this probably made a little bit more comfortable the viewers. And there were four of them, basically, the mother and her husband, Mr. Stern and Mr. Birkhead. So they had the privacy of the viewing. The deceased, Nicole, was looking -- arranged to look very, very well. She was with cosmetics very much, with no flaws, like she looked in the regular magazines or on the videos that she made.

So I think that so far as the viewing was concerned, was excellent. The work that they did in preparing her for the

viewing, it was outstanding. And I think that this was really the last moment to have such viewing before changes have occurred.

GRACE: Dr. Perper, did I hear you correctly? You said people from your own office -- these are government workers -- got her roses to set out at the so-called viewing?

PERPER: The viewing -- I'm sorry?

GRACE: Did your people in your office actually get some flowers to set out?

PERPER: Yes. A couple of people who have roses, they were sent to them, they decided to put them in the room in order to make a little bit more lively.

GRACE: You know, what I don't understand, Dr. Perper, is why the justice system is being used for this wrangling session that we are observing going hour after hour. It's a very simple matter, who should be in charge of the remains of her body. And we are hearing about financial statements from years back, miscarriages years ago, drug use years ago. It's incredible!

You just said that this was one of the last opportunities to view the body before it becomes physically impossible to view the body in the current state. What happens to the body as more time passes?

PERPER: Well, I asked the -- basically, the embalmer what's going to happen in terms of rate of future changes. And they told me that they really cannot tell that. It's a possibility that the body may have a second showing once it arrives to the designed destination by the judge and...

GRACE: Do you think it can travel, Dr. Perper? Can her body, at this juncture, travel to the Bahamas or California or Texas and withstand a showing, a viewing? I mean, does the body begin to literally fall apart?

PERPER: The body is not falling apart. And I think that I want to make it very clear. What I mentioned in the past broadcast was that there was some changes in the face. And the face is, obviously, the major -- the major area of the body which is seen during the viewing. So it's hard to predict, you know, the rate of changes. It's hard to predict. I believe that at this time, they had the opportunity of seeing Nicole as she was almost in life.

GRACE: Dr. Perper, what was she wearing at the viewing today?

PERPER: She was wearing a very beautiful sequined dress.

GRACE: I want to go back out to Jean Casarez and Art Harris. Jean, Art has advised me he thought Birkhead scored the most points today. But what I don't understand is the legal relevancy of what's going on. For instance, why did the lawyer stand up and yell at Howard Stern, Are you the biological father? Why was all of this about past money, drug use, past miscarriages, who lived where, who slept on the couch five years ago? Who cares! What does this have to do with who's going to bury the body?

CASAREZ: You're asking a lot of questions, Nancy, and I think a lot of them have to go toward motive. Why does someone want to have the body? Let's take Howard K. Stern. He doesn't fit under the law in Florida. He's not a next of kin. But in early (ph) Florida law, they say that a judge can appoint anyone, a personal representative, to take the body. So the judge wants to see, What's the motive that you want that body for? And if you've only earned \$12,000 in the last four or five years, then could your motive be money to take the body, because there were some things that came into court that possibly for a funeral, he was going to get a million dollars for photographs.

GRACE: Out to Jan in Kentucky. Hi, Jan.

UNIDENTIFIED FEMALE: My question is, where's Kimmy?

GRACE: You know what, we were trying to find that out ourselves. Out to you, Art Harris, investigative reporter. He was in court today, along with Jean. Art, remember Kim was the faithful assistant that was on the reality show with Anna Nicole? She's had her face tattooed onto her body? She's a loyal assistant for many years. Where has she -- what's become of her?

HARRIS: We have not heard her name, Nancy. We've heard a lot of others who may be subpoenaed to come testify about her intent, but I haven't heard Kim's name at all.

(BEGIN VIDEO CLIP)

SEIDLIN: It's a grieving process. All of us are suffering from it and feel the pain and the weight of it. And as we proceed, I want us to remember that we're here also to save one child. So (INAUDIBLE) one child mean? It's a ripple effect. We save one in one case, and then I save another in another case.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

SEIDLIN: What's your source of income?

STERN: Right now, I'm borrowing money from my parents.

SEIDLIN: When was the last time you earned your own income?

STERN: I had a law practice...

SEIDLIN: What year?

STERN: Up until 2002.

SEIDLIN: If I had a look at your 2002 tax returns, what would it have showed?

STERN: Somewhere in the range of \$60,000 or \$70,000. I was with Anna. My income was with her.

SEIDLIN: You had no separate independent income?

STERN: No.

SEIDLIN: In 2004 -- what happened in 2004? What was your income?

STERN: Same thing. It was through Anna. Anna paid my rent.

SEIDLIN: And how about in 2005, what was your income?

STERN: It was the same thing all the way through to today.

(END VIDEO CLIP)

GRACE: What should be a dignified court process after the death of covergirl Anna Nicole Smith turns into a brawl today, the ringmaster, Judge Seidlin.

Let's unleash the lawyers again, Jeffrey Skatoff, and Kimarie Rahill McDonald, Doug Burns. To you, Jeff Skatoff. I don't quite understand the significance of tax returns in past years as to what the law says as to who should get these remains.

JEFFREY H. SKATOFF, WILL AND PROBATE ATTORNEY: That's a very good question. I think that Judge Seidlin is trying to determine the type of people that he's dealing with, where are they making their money, in order...

GRACE: Right.

SKATOFF: ... for him to assess motive of each person.

GRACE: What difference does it make if someone is a mobster, a nun, a priest, an accountant, a lawyer like yourself, or a hooker? It's her wishes or what's in her will. We are not here to second-judge how Anna Nicole Smith lived, Jeff Skatoff.

SKATOFF: Well, under Florida law, you're right, it's the intent of the deceased that controls where the burial is to take place. But if the intent can't be determined, then Judge Seidlin will have to determine who should make that decision and who should bury the body. And that might be what he's trying to do.

GRACE: OK, I accept that. I accept that, Jeff Skatoff.

To you, Kim Marie. What do tax reports from years back, past miscarriages from years ago -- what does that have to do with the burial of her body? The only one talking sense at all is the ME, the medical examiner who did the autopsy. And nobody's listening to him, apparently, because she's still sitting at the morgue.

KIMARIE RAHILL MCDONALD, DEFENSE ATTORNEY: I agree with you, Nancy. The issue with regard to the past tax returns should have no relevance. But what's key here is the judge has before him the issue of determining what was Anna Nicole's intent. He needs to get testimony from these witnesses, and it's a matter of credibility now, which witness is credible. And that is why the judge is going into issues of tax returns, drug use, et cetera.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: Have you received any funds from any media for any stories or any other purpose?

ARTHUR: Excuse me a minute.

UNIDENTIFIED MALE: What?

ARTHUR: Excuse me a minute, please. Plane fare.

UNIDENTIFIED MALE: All right. You got plane fare, where to where?

ARTHUR: It was from Houston to the Bahamas. (INAUDIBLE)

UNIDENTIFIED MALE: OK. Take your time.

ARTHUR: David Lee.

(END VIDEO CLIP)

GRACE: That is Anna Nicole Smith's mother, Virgie Arthur, on the stand, being questioned as to who she received money, a pecuniary interest in the outcome of this case or the death of Daniel or Anna Nicole.

Let's go out to the lines. Jennifer in New York. Hi, Jennifer.

UNIDENTIFIED FEMALE: Hi, Nancy. How are you?

GRACE: I'm great, dear. What's your question?

UNIDENTIFIED FEMALE: My question is, how come there's so many lawyers in the courtroom?

GRACE: Oh, Jennifer, my -- my, sweet, unspoiled caller. Because they're making money, OK? What about it, Art Harris? Why so many lawyers?

HARRIS: I counted 18, Nancy, and every one...

GRACE: Oh, good God in heaven!

HARRIS: Every one got their day in court. You know, the judge gave everybody a chance to make their case. And I think that he's trying to get a consensus, and he's finding fact in the process. Amazing, at the end, he became the cross examiner and elicited the facts and the truth from each witness.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

HOWARD K. STERN, ANNA NICOLE SMITH CONFIDANTE: At that point, she said that this one will never see my daughter. Because Anna had tried to...

LARRY SEIDLIN, BROWARD COUNTY JUDGE: Your daughter, Dannielynn?

STERN: Dannielynn. Dannielynn.

SEIDLIN: If I knew who the natural father was, to speak on behalf of Dannielynn, the two alleged fathers came here in good faith, Larry Birkhead and Stern, Howard K. Stern.

UNIDENTIFIED MALE: (INAUDIBLE)

SEIDLIN: I call him Larry. That's easy for me.

Take a second. Dr. Pepper, Perper's on the phone. Boy, can I mess -- can I destroy a name.

(END VIDEO CLIP)

GRACE: Welcome back, everybody. As you know, the legal wrangling continues regarding the burial of Anna Nicole Smith, a cover girl that once graced the covers of every magazine here in this country. Now, her body is decomposing, as a total of 18 lawyers fight it out in a court of law, in a so-called court of law.

Also, while all of this was happening, there were goings-on down in the Bahamas. Let's go out to Mike Brooks there in the Bahamas, what have you learned, Mike?

MIKE BROOKS, FORMER D.C. POLICE: Well, Nancy, tomorrow, there's supposed to be still a hearing, another hearing here in court in the Bahamas about guardianship for Dannielynn. Whether that's going to take place or not, they're saying it is, but where are the witnesses going to be? They're still all going to be in Florida.

And I also spoke with a source today, Nancy, who's very close to the investigation. The Royal Bahamas Police force here, they are busy. They haven't been sitting on their hands. While Broward County police wait for the toxicology reports to come back, the police here are working on a couple of investigations.

One of them being a public corruption investigation involving the former immigration and labor minister, Shane Gibson. Now, the source tells me, Nancy, that Shane Gibson may have taken a bribe of a very expensive Rolex watch from Howard K. Stern to basically finalize the fast-tracking of the permanent residency for Anna Nicole.

They want to talk to Howard K. Stern when he comes back here. The Royal Bahamas Police, I guarantee you, they're going to be out there knocking at his door at the Horizons.

And some other things I found out today, Nancy, that was very interesting. Also, this Shane Gibson, you know who is watching Dannielynn while dad here -- while Howard K. Stern is up in Florida?

GRACE: Shane Gibson's wife?

BROOKS: The mother of Shane Gibson.

GRACE: Oh, Shane Gibson's mom.

BROOKS: His mother. His mother is -- very, very an intimate group here. And something else I find ironic, too, Nancy, the father of Shane Gibson is the captain of the yacht that Howard K. Smith -- that Howard K. Stern was out on when Anna Nicole died. It's just a little to incestuous, I think, down here in the Bahamas, Nancy. And something else we found out again today...

GRACE: Go ahead.

BROOKS: No, no, something else we found out today from this source, who's very close to the investigation, as I said. Some investigators may be traveling to the United States, investigators from the Royal Bahamas Police force, traveling to the United States, most likely Ocala, Florida, investigating the break-in at the Horizons mansion.

Remember G. Ben Thompson. Well, Mr. Shay, his son-in-law, who basically is the one who apparently went into the house, they're going to see exactly what happened to all of the stolen property that came from that house.

Some of it apparently wound up in Florida and then was given to one of the police departments there, was given to another police department, and then we also hear possibly in South Carolina. So they're going to go up, work with the American police, and try to iron all this out to see whether, in fact, somebody is going to be charged in the break-in in that house. So a lot going on down here in the Bahamas, Nancy

GRACE: And, you know, it really beats all, in my mind, Mike Brooks -- Mike Brooks, former cop and former fed with the FBI -- that while the woman just dies, somebody breaks in her house, takes her private possessions, including allegedly a video of her giving birth, a lot of private photos, they end up in Florida and the Carolinas. Somebody took that from the home and funneled it to America.

We learn that police have been at the home in the Bahamas. We were told erroneously that was to investigate Howard K. Stern regarding the death. No, it was about this burglary, correct, Mike Brooks?

BROOKS: That's exactly right, Nancy. In fact, I was told by that source close to the investigation today that they have some physical evidence from the house and have interviewed witnesses who actually saw the people going in and leaving the house with this property. So they also want to...

GRACE: It's like a bunch of vultures.

BROOKS: I know. It's amazing.

GRACE: They find out there's a dead body and cart things off. They might as well have taken the TV and the microwave, too. I'm surprised that's still there, if it's not nailed down.

Let's go out to the lines. Rose in Oklahoma, hi, Rose.

CALLER: Hi, Nancy, thanks for taking my call.

GRACE: Yes, ma'am.

CALLER: Hey, something that's been kind of bothering me about the drug -- the common thread of the drug usage through all this is, weren't there bottles in Anna Nicole's hotel room -- weren't the prescription bottles found to have Howard Stern's name on them?

And if it did, if they did, what's so wrong with him that he needs that high powered of narcotic? And should he, in fact, be entrusted with the care of the infant if he's on this kind of narcotics? And if they weren't his, did he fraudulently acquire these drugs solely to dispense to Anna?

GRACE: You know, Rose in Oklahoma, you're dead on. That is an excellent question. And, tonight, we're lucky to have with us someone that broke the story regarding the drugs in the hotel room and the prescriptions. From "Star" magazine, the deputy New York bureau chief, David Caplan is with us.

David, can you take that question?

DAVID CAPLAN, "STAR" MAGAZINE: Yes, absolutely, you're correct. Howard K. Stern's name was on those prescription bottles found in Anna Nicole's room. And, of course, everyone's wondering, why is that?

Clearly, Howard K. Stern comes off as an enabler. And I would have liked to have at least seen that addressed today. I mean, the hearing today was all over the place. If you're going to address anything, let's talk about the drugs and why was Howard letting this happen.

GRACE: Oh, I'm sorry, David Caplan, does that have something to do with her burial and somehow I've missed it?

CAPLAN: It doesn't. But I must say, you know, this hearing was all over the place. And I much would have rather heard...

GRACE: So if you can't beat them, join them?

CAPLAN: Well, you know, yes. I mean...

GRACE: I disagree. Yes, I'd like to know all about her personal life. I'd like to find out all the intimate details of everybody's life. But you know what? That's why we have what is called the rules of evidence.

Today, questions like "Well, what do you think he was thinking?" were allowed. That's called speculation. "She told me that he said this three years ago." That's called hearsay. And the objection "irrelevance" was never heard in the court of law.

Let's go back to you, Jean Casarez. Based on what David Caplan told us regarding those prescriptions made out to Howard Stern -- Rose in Oklahoma's correct -- is there any investigation going on regarding those drugs?

JEAN CASAREZ, COURT TV: Yes, there is a death investigation going on by the Seminole tribe. And we heard last week that possibly that could become a criminal investigation. We haven't heard that yet, but we've also not heard that the death investigation has stopped by any means.

GRACE: Take a listen to this.

(BEGIN VIDEO CLIP)

LARRY BIRKHEAD, CLAIMS TO BE FATHER OF DANNIELYNN: She was taking medications before and during pregnancy.

SEIDLIN: Were you concerned about that?

BIRKHEAD: I was very concerned.

SEIDLIN: Why?

BIRKHEAD: Because we already had one miscarriage. And every time she put something in her mouth, I thought that...

SEIDLIN: It would affect the welfare of the child?

BIRKHEAD: And her, too, as well. And so we had a couple clashes in the hospital room, because she and Mr. Stern brought in a duffel bag. And when there wasn't enough administered through the drips that she was on, they would take it out of the bag and take it on top of the drugs that they were giving at the hospital, and thwarting the efforts by the hospital to get her off the medications.

SEIDLIN: Do you know whether or not they had an intimate relationship?

BIRKHEAD: I know the answer to that.

SEIDLIN: What's the answer?

BIRKHEAD: The answer is, no, they did not, because I moved in with Mrs. Smith in August of 2005.

SEIDLIN: What happened in July of '04?

BIRKHEAD: July of '04, we were in a -- I believe we were in a -- just a couple of events, one of which was a kids camp where Anna Nicole was filming her reality show.

SEIDLIN: And in July of '04, you had -- you began to have an intimate relationship with her?

BIRKHEAD: Yes, sir.

(END VIDEO CLIP)

GRACE: Very quickly to break. We'll all be right back regarding Anna Nicole Smith. But we need your help.

To tonight's "Case Alert." Suspicious e-mails in the investigation of a missing Michigan mother: 34-year-old Tara Grant, last seen Feb. 9th, vanished into thin air, just hours arriving home from a business trip. Police say Grant and her husband argued just before she allegedly left the home, got into a sedan, and disappeared. She's 5'6", 120 pounds, brown hair, brown eyes. If you have info, take a look. Call the Macomb County Sheriff's Office, 586-307-9358.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: My gut right now is wrenching. It's in all different directions. You know, I'm awake at night. I can't sleep. I absolutely go over scenario after scenario after scenario in trying to figure out what has happened. She is my only sibling, and I just want to know that she's going to be safe, wherever she is.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

(NEWSBREAK)

(BEGIN VIDEO CLIP)

BIRKHEAD: She would send me to the store to get something that she was craving, and I would come back, and like

30 minutes later, she couldn't talk. And I said, "What are you doing?" And at one particular point, she slipped into what I would call a seizure-like state, and I had to help her to the bathroom and pick her up and take her and put her...

SEIDLIN: Let's take a break for a second.

(END VIDEO CLIP)

GRACE: He does seem very credible. Art Harris is correct. That's Larry Birkhead, the photographer claiming to be the biological dad of cover girl Anna Nicole Smith's 5-month-old baby girl.

Why so important? Because, one, the body's decaying. It needs to be buried. I can't put it any more simply than that. And, number two, there is a baby, a 5-month-old baby girl, that needs to be taken care of. But who will do that?

It's all going down in a Florida courtroom. Let's go out to the lines. Lawanda in Alabama, hi, Lawanda.

CALLER: Hi, Nancy, thanks for taking my call.

GRACE: Yes, ma'am. What's your question?

CALLER: My question is, being that today's hearing pertained to the custody of Anna's body, was it fair game for Mr. Birkhead's attorney to question Mr. Stern's paternity? And was this a real motive to use today's hearing for this purpose?

GRACE: You know what, Lawanda? That is, a, I think you're a lawyer, and, b, I think that is exactly what happened in court today. Who Anna Nicole Smith wanted to get her remains has nothing to do at this juncture with who is the natural father of that child. She clearly named Stern the executor and even claimed he was the father.

Back out to you, Jean Casarez, what did we learn about her true wishes? Also, if there's a funeral, did she have a religion? Is she going to be buried at the Methodist Church? Is there going to be a Wiccan priest presiding over the ceremonies? What have we learned? Or are we even at that stage, Jean?

CASAREZ: We've learned some intentions, and they're different at different points of time in her life. When she was a little girl, she wanted to be buried in Texas. When she got older, she said she wanted to be with all the movie stars, even when she was still in Texas. When she was with Howard Stern after her son died, she said she wanted to be in the Bahamas.

And Larry Birkhead said -- and he had the grand finale today -- he said, no, I really think that, if I am the birth father, and I would raise the child in California, I don't think my little girl would want to go all the way across half the world to go see her mother and her brother, but yet I want them to be together. And he sort of looked at the judge like, "I don't know." But I think Larry Birkhead would want her in California.

GRACE: Out to the lawyers, Doug Burns, Kimarie Rahill McDonald, and probate expert Jeff Skatoff.

You know what, Jeff? This is not the way the law is supposed to work. It's broken in that Florida courtroom, and the proceedings are not achieving what they were set out to do. Where do we go from here, Jeff Skatoff?

JEFFREY SKATOFF, WILL AND PROBATE ATTORNEY: Well, I think Judge Seidlin is going to digest all the information that he's heard in the several days of testimony, go back to his chambers, and then write an opinion that hopefully will come up with the right result. And I think he's more than capable of excluding his opinion, the information that's not relevant or really isn't admissible.

GRACE: Doug Burns?

DOUG BURNS, DEFENSE ATTORNEY: Well, you said earlier that everybody was affected by money. They're affected by money and also by cameras, Nancy. And that's the problem. You've got 18 lawyers posturing and pontificating. But I think I do agree with what was said: He'll sort it out and ultimately probably rule that it take place in the Bahamas, I would imagine.

GRACE: Kimarie?

MCDONALD: This clearly is an issue for the Bahamas. Dannielynn was born in the Bahamas. She has never left the Bahamas. Anna Nicole's intent was clearly to return to the Bahamas, and that's where she wanted to be buried.

GRACE: To psychologist Dr. Andrea Macari, Andrea, all these people arguing -- it sticks out in my mind, the mother-daughter relationship with Virgie Arthur. After hearing all of the testimony, what do you think?

ANDREA MACARI, INSTRUCTOR OF PSYCHOLOGY: Well, first of all, I think that this isn't just a circus; it's the greatest show on Earth. And I think that judge, tsk, tsk, tsk for that. He should be ashamed of himself.

But what I think what we see is that Anna Nicole's mother has one perception of the relationship, and Anna Nicole had a very different perception. Remember, perception is just that; it's not based in reality. Both can believe that the relationship was how they believed it could be.

GRACE: Out to you, David Caplan. Sources are reporting that this judge actually wants his own TV judge, like a Judge Judy show?

CAPLAN: Yes, absolutely.

GRACE: Now, wait, that's a question. I'm asking you. Is that true?

CAPLAN: Yes, it's true.

GRACE: Oh, good God in heaven. OK, yes, no, I was cross-examining you. Thank you for that.

Back to Dr. Joshua Perper. Dr. Perper, I know that you did an extraordinary thing today regarding having the viewing there in the medical examiner's office. You stated the date as Saturday as the best time in your mind as to go forward with a burial. One more rumor for you to shoot down tonight. There are now rumors -- we're getting tons of e-mails and calls regarding a possible stomach surgery of some sort that caused this high infection and fever. We don't know what kind, tummy tuck, gastric bypass, I don't know. Did you see any evidence of that as cause of death?

DR. JOSHUA PERPER, BROWARD COUNTY MEDICAL EXAMINER: I think I said several times in the past that there was no, non evidence of recent surgery.

GRACE: Dr. Perper, you did say that, but I had asked you in the past regarding plastic surgery, and -- go ahead, sir.

PERPER: Plastic surgery is a form of surgery. There was no evidence of recent plastic surgery.

GRACE: I'm glad to hear it, Doctor. And thank you for clearing that up, even in my mind, again. Bonny in Canada, hi, Bonny.

CALLER: Hey, Nancy. Thank you for taking my call.

GRACE: Yes, ma'am, what's your question?

CALLER: My call is about the judge's behavior. I've been watching the past few days, and he seems to have the only map of the maze that he seems to want to go through. I've never seen anybody so emotionally involved in this trial. I mean, he has so much compassion for the mom.

GRACE: You know, he really is involved. What about it, Art Harris? Did you get the same vibe?

ART HARRIS, INVESTIGATIVE JOURNALIST: ... courtroom, but he is getting a consensus. He's trying to find out what her intent was, and he's getting it from everybody.

(COMMERCIAL BREAK)

GRACE: Tonight marks the two-year mark of us joining you here every night on Headline News. We still are dedicated to solving unsolved homicides, finding missing people. Take a look.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: The cops, they have found no evidence of her being dead anywhere. And all the searches they've done, I just feel like she is still alive. I believe she is alive. It's just a mother's instinct.

UNIDENTIFIED MALE: It would could be Shanelle (ph) today. It could be someone else tomorrow. And all our children and all our children are our jewels, and we can't allow this to happen.

UNIDENTIFIED MALE: ... everybody out there, we'd appreciate you just keeping your eyes and your ears open. If you see Margaret, please call.

UNIDENTIFIED FEMALE: I'm hopeful that she's still alive. I'm not going to lose sight of that until I know otherwise.

UNIDENTIFIED FEMALE: She was always the first person to call me, wake me up and say, "Happy birthday." And she never called me.

UNIDENTIFIED FEMALE: I don't care if I have to comb the whole Atlanta. I'm going to find my sister. I'm going to find my sister.

UNIDENTIFIED MALE: He wants to go home. He feels he hasn't done anything wrong.

UNIDENTIFIED FEMALE: The list of inconsistencies was presented before Judge Smith. The reasonable doubt was there.

There was absolutely no grounds for them to be released. Kidnapping and rape is not a crime within the Dutch government, well, then the Dutch government is serving no purpose.

(END VIDEO CLIP)

GRACE: Let's stop for a moment to remember Army Private First Class Nickolas Tanton, 24, San Antonio. First tour of duty, an explosives specialist. Loved music, laughter and life, leaving behind a grieving family. Nickolas Tanton, American hero.

Tonight, I want to share something very special with you. Tonight marks two years since we first aired here on Headline News. Thank you to Headline News, of course, but especially to you, for making our dream come true.

Every night, we try our best to take the same message I carried to juries, 12 by 12 at a time, across the airwaves. And, also, thank you especially to executive producer Dean, our creative inspiration, and Elizabeth, our senior producer and the backbone of our show, and to our staff.

And to all of you out there with a dream, we are living proof it can come true. NANCY GRACE signing off, two years and counting. Good night, friend.

END

[CNN U.S.](#)

Languages 

[CNN TV](#)

[E-mail Services](#)

[CNN Mobile](#)

[CNNAvantGo](#)

[Ad Info](#)

[About Us](#)

[Preferences](#)

[SEARCH](#)



THE WEB




CNN.com


© 2007 Cable News Network LP, LLLP.

A Time Warner Company. All Rights Reserved.

[Terms](#) under which this service is provided to you.

Read our [privacy guidelines](#), [Contact us](#), [Site Map](#).

 External sites open in new window; not endorsed by CNN.com

 [Pay service with live and archived video.](#) [Learn more](#)

 [Download audio news](#) |  [Add RSS headlines](#)