

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA**

CASE NO: 07-0824

FEBRUARY 22, 2007

DIRECT EXAMINATION OF DENISE JAMES BY MS. BARTH:

Q Good morning.

A Good morning.

Q Would you please state your name for the record?

A My name is Denise James.

Q Miss James, where do you reside?

A In upstate New York.

Q Did you know Anna Nicole Smith?

A I did.

Q How did you know Anna Nicole Smith?

A She produced a movie with my husband. I'm very emotional because I loved her so much.

THE COURT: Is you husband a movie producer?

MS. JAMES: He produced a movie with Anna and Anna owned the movie. My husband produced it and she was very funny and she loved working there.

THE COURT: You may proceed.

Q Were you one the set when that film was being shot?

A Just one day, yeah, when I met Anna that first day.

Q And when was that, do you recall?

A September 27th

THE COURT: What year?

MS. JAMES: '05.

Q So your relationship with here was fairly new; is that correct?

A Fairly new that day, yes. She had a pink hat on and she was walking around and my children were there and she was just very sweet and wonderful and we were talking about her dog and fine and then I was there the day and then I left. And then she kept talking to my husband about the movie and then I'd get on the phone and then it started from there and then she'd e-mail me. It's like I'd known her forever. She e-mailed me and said I feel I've known you forever.

THE COURT: You've got to eat. I'm going to take a break. I'm working everyone too hard. Give him some water. My Texas friend, you didn't eat. You didn't eat. Let's get you some food.

MR. PRITILE: He's a diabetic.

THE COURT: I figured he's a diabetic and he didn't eat anything. Let him sit down. This has been – everyone have a seat. Stay with me, Texas. What do you need as a diabetic right now?

MR. O'QUINN: Orange juice.

THE COURT: Here is my credit card. Buy him an orange juice. I always pay. We're going to take a break. Get him orange juice right now. Have a seat, my friend. I want to keep you around a long time from now.

We're going to take a recess. You should have let me know. I would have taken breaks. I would have taken more breaks.

MS. JAMES: I have a candy bar.

THE COURT: Are you allowed to eat a candy bar.

MS. JAMES: Protein bar, Luna bar?

MR. O'QUINN: Anything with sugar.

THE COURT: Take your time. Give this to him.

MR. BARTH: Are we going to break for lunch now?

THE COURT: Yes. We're going to take a break. We're going to come back. Milstein, what time?

MR. MILSTEIN: How about an hour and fifteen minutes?

THE COURT: 2:30. We'll come back at 2:30 and we're going to wrap up. We're going to wrap up this afternoon.

THE BAILIFF: Court stands in recess until 2:30

(Court breaks for lunch)

(Court resumes after the lunch break. Discussion takes place between The Judge and the attorneys)

THE COURT: Call your next witness, that lady that was here from production.

MR. TUNSTALL: Judge, if I may.

MS. BARTH: Denise James.

THE COURT: Did you all submit your proposed final judgments?

MS. BARTH: Mine is on its way over.

MR. TUNSTALL: Judge, there is a witness we just contacted. Her name is Jackie Hatten. She was a very, very good personal friend of Anna Nicole's for 16 years.

THE COURT: Where is she?

MR. O'QUINN: She's in California.

THE COURT: You want to put her on the phone? Denied. You are still under oath. You were examining her. I want you to really move with God speed now.

MS. BARTH: I'll go as quickly as I can.

CONTINUED DIRECT EXAMINATION OF MS. JAMES BY MS. BARTH:

Q You said you were acquainted with Anna Nicole Smith; is that correct?

A Correct.

Q Tell me how many occasions you had to spend time with Miss Smith?

A After I met her on the movie, she was in contact with my husband a lot, and Howard, about the movie. And she was always asking to speak to me and I spoke to her. And without going into anything, we became very close. Our families were going on vacations but we decided to go to the Bahamas. We didn't know anything about Anna's Bahamas. And then John was speaking to them and they said they had a home there and they were there. And Anna was dying to show me the nursery because we both loved babies.

And I was thrilled and we did and we visited them and she was very pregnant and Howard and her were extremely happy. She was happy. She said, I'm getting towards the end. I'm getting, you know, enough. She had to have a C-section. I said I had one. Don't worry about it. It's fine. She poked my belly and said, I hope I don't have a scar like that and she was just joking with me. She was happy and excited and everything.

We went into the nursery and she said look, I did everything myself – I'm sorry, Your Honor – I did everything myself and she was so proud of that nursery, all in pink and her pictures and everything. I said, well, perhaps you can get some baby pictures of Daniel and then you can compare the pictures with your baby. And then she said, I don't have any. My mother took all my baby pictures of Daniel. She started to cry. With respect, Ms. Arthur, she said, I don't have any photos at all.

I said, well, perhaps you can ask your mom and she said, no, I can't. She won't give them to me. I've asked her and her look on her face was like a little girl who just lost everything. And then after that, we left and then we came back in September to see the baby and we visited her everyday. By then Daniel had passed away and she was just a mess and I went in one day and she always gave me such a big hug and a squeeze and she had a cross around her neck. Which she said Daniel brought it over with him. She asked him to take this cross. She said he hated crosses but he wore it over and she had it around her neck.

And I had a medal that was given to me when my mother passed away and I said, I'm going to give it to you and she said, thank you and we put it on the cross. And then the next day I went in and she hugged me, she hugged me over this and just about broke my neck squeezing me. And she said, look, look, she said my witch birth mother – with respect, Ms. Arthur, I'm just quoting her – said this about me on CNN.

She said, what kind of mother would say that about her daughter? I said, I don't know, honey. I said, you just –

THE COURT: You would just normally object and say it's cumulative; am I right?

MR. PIRTLE: Yes, I would.

THE COURT: The question would be the balance, the information the Court needs to hear verses the prejudice it is to the jury, the trier of fact. So your objection is noted.

MR. PIRTLE: Thank you.

THE COURT: I'm going to allow another couple of minutes.

MS. BARTH CONTINUES HER DIRECT EXAMINATION OF MS. JAMES:

Q Tell me if you have any personal knowledge of Anna's relationship with Daniel?

A She's never stopped talking about Daniel. She e-mailed me, I miss Daniel. She used to call me mom because she said, I just don't know nobody. I don't have a mommy.

And I said you can call me mommy. I tried to help her anyway I could. I didn't slander Ms. Arthur at all. I'm a mother. I never slandered her. I never said yea or nay or anything. I said, just calm down. She said some choice things and then she said, I miss Daniel, I miss Daniel. I want to be with Daniel. I said, no, you got your baby girl.

She said – all I'm here for is to put her next to her son. She wanted to be with her son. That's all I'm here for. This poor woman is laying there. She wants to be with her son.

THE COURT: You don't have any questions, do you?

MR. PIRTLE: Do you?

THE COURT: I have no questions. Do you have any?

MR. PIRTLE: No.

THE COURT: Thank you for coming.

MS. OPRI: I just have one question.

THE COURT: No. You've rested now?

MS. BARTH: No. Next witness please.

THE COURT: I thought that was it.

MS. BARTH: Just one more.

THE COURT: And who is it?

MS. BARTH: A good friend of hers, Patrick

THE COURT: And what would she testify to?

MS. BARTH: It's a he.

THE COURT: What would he testify to?

MS. BARTH: Very good friends with Anna for a period of ten years.

THE COURT: It would be the same type of testimony?

MS. BARTH: He will be able to give testimony about where Anna wanted to be, about her discussions about the purchase of the funeral plots for the whole family, specific conversations. He would be able to –

THE COURT: It's cumulative, isn't it?

MR. PIRTLE: Yes.

THE COURT: So noted. Denied. That closes up your position.

MS. BARTH: Yes, Your Honor.