

**DIRECT EXAMINATION OF VIRGIE ARTHUR
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT IN AND FOR
BORWARD COUNTY, FLORIDA**

CASE NO: 07-0824

FEBRUARY 20, 2007

Virgie Arthur, was called as a witness and was duly sworn to testify under oath as follows.

QUESTIONS BY MR TUNSTALL OF MS. ARTHUR:

Q Are you known by any other names, like –

A Virgie Tabers Hart

Q What is that?

A Because in law enforcement, you don't switch your name if you are female, because they mess up all the papers, although my name is Virgie Arthur.

Q What do you do now?

A I am retired.

Q What did do you do for a living before you retired?

A I was a police officer

Q For how long?

A Twenty-eight years.

Q With what jurisdiction were you a police officer?

A Harris County Sheriff's Department, Houston, Texas.

Q All right. Now let's go right to –

QUESTIONS BY THE COURT OF MS. ARTHUR:

Q What duties did you perform?

A I worked in the jail for three years and other times, I worked in the streets, patrol officer.

Q Were you sworn road patrol?

A Yes

Q You carried a hand gun?

A Yes

Q All on duty?

A Yes

Q You did that 20 years?

A Twenty –

Q Did you ride in a police car by yourself?

A Yes.

Q You made thousand or arrests during your career?

A Probably.

Q And you – and you put in 20 years with the Police Department?

A Twenty-eight.

Q The biggest question they ask you, you always talk about your pension during the breaks.

A Yes

Q Every coffee break?

A Extra jobs and pension, yes.

Q You may proceed.

QUESTIONS BY MR TUNSTALL OF MS. ARTHUR:

Q You are Anna Nicole Smith's mom?

A Yes.

Q Were you married at the time that she was born?

A Yes.

Q To who?

A Donald Eugene Hogan.

Q Is he still alive?

A Yes.

Q Is he here?

A No.

MR. MILSTEIN: He was here.

Q Was here earlier?

A Yes, he was.

Q When was Vicki Lynn born?

A She was born November 28th, 1967

Q Where?

A In Houston, Texas.

Q Where was she raised?

A Houston, Texas.

Q When did she leave home?

A When she was 17.

Q Could you briefly describe the circumstances around her leaving home?

A She got hooked up with a wrong crowd at school and I was trying to get her away from that crowd so I let her go live with her aunt in Mexia, Texas for that semester.

Q Besides Vicki Lynn Marshall, do you have any other children?

A Yes.

Q Who are they?

A I have a son, David Luther Hart, another son, Donald Hart, Jr. and I have another daughter, Shauna Hart Milborne.

Q What does David do?

MR. TUNSTALL: Your Honor, can we just suffice for the fact that he works for the federal government?

QUESTIONS BY THE COURT OF MS. ARTHUR:

Q Good. He has a nice position.

A He was born in '66.

Q That would make him 41. How about Donald, what does he do?
A He is disabled.
Q And was he disabled from work?
A No. When he was three years old he was disabled.
Q And how about Shauna?
A She is a married mother of two.
Q What does her husband do?
A He like negotiates for a C.E.O. negotiator for a company.
Q The disabled boy, where does he live?
A Houston.
Q Who takes care of him?
A He takes care of himself.
Q What is his disability?
A He had a brain injury when he was three and crippled his whole right side. He had to learn everything all over again. And now it's his right arm is totally unusable.
Q What state does he live in?
A Texas.
Q Is he near you?
A Yes
Q How far away?
A Fifteen or 20 miles.
Q Do you see him once a week?
A Probably more than that.
Q And David, where does he live?
A Next door to me.
Q Next door?
A Yes.
Q And you are in the country?
A Yes, we are.
Q My wife made me get a house in the country.
A It's a nice place.
Q It's tough for me to get used to the country.
And then Shauna, where does she live?
A She lives in Austin, Texas.
Q How far is that?
A About 250 miles.
Q When do you get to see her?
A Once or twice.
Q A year?
A Every two or three months.
Q What did she do before she became a homemaker?
A She drove the bus for the – what's the word.
Q School board?
A No. It was a public bus, but it is for handicapped children. She loved it.
Q If you had one regret with your daughter, what would it be, one regret?
A One regret?

Q Yes.

A That I was not able to get her away from drugs. One regret.

Q Tell me about that. When did that begin?

A You know I am really bad with numbers when she said I don't remember the number she got that from me, I am not good with numbers either.

Q She left your home at a young age?

A Seventeen.

Q Was she on drugs at the time?

A No.

Q Why did she leave home?

A Because she was with the wrong crowd at school and she was getting in trouble.

Q Where did she go?

A She went to live with my baby sister.

Q How long did she stay there?

A Six or seven months, but she quit school at 17. You can do that in Texas, and she went to work for Crispy Fried Chicken.

Q And he worked there too?

A Yes, he did.

Q And did they get married?

A Yes, they did.

Q How long after did the child come?

A She didn't get pregnant right away, so probably thirteen months.

Q How long did that marriage last?

A The baby was three months old when she left. Daniel, he was three months old.

Q That's the boy that recently died?

A Yes, that's him.

Q Did you have a relationship with him?

A Absolutely. He lived with me for the first six or seven years of his life, while she was pursuing her career.

Q As what?

A She worked in exotic clubs to begin with.

Q And then she was discovered?

A Yes.

Q What kind of relationship did you have with her during those first six years?

A Good. We went and got her hair done together or nails done together.

Q How far was she living from you?

A Fifteen miles.

Q Was she doing drugs in those days?

A No.

Q What happens next?

A She was still working there and she meets a guy. He wanted her to get into the photo shop where she got into Playboy magazine.

Q And their relationship was –

A Boyfriend/girlfriend.

Q Then what happens?

A Well, she got in Playboy magazine and zoomed right on up.

Q That was her launching pad?

A Yes.

QUESTIONS BY MR TUNSTALL OF MS. ARTHUR:

Q What year was that, '92?

MS. BARTH: Objection, leading.

THE COURT: Did you continue to have a relationship with her?

A Yes we, did.

MR. O'QUINN: Was she doing drugs then?

A No

MR. O'QUINN: Then what happens?

A Then she got with Guess jeans.

THE COURT: She model for them?

A Yes

THE COURT: So that was a big position?

A Yes.

THE COURT: She was on billboards?

A Yes, she was.

Q Then what happens?

A Guess Jeans, then she met Howard Marshall, a millionaire in Texas.

Q Did you know him?

A Yes. He was a very good man.

Q Was he famous?

A He was a rich man.

Q So that made him famous?

A He was a very good man.

Q Were you worried about her well-being in those days?

A Not with Howard Marshall, no.

Q What happened next?

A Well, she told me that he asked her several times to marry him, but she didn't want to because she wanted to pursue her career.

THE COURT: She had that clout?

A Yes

Q And then?

A She got famous. She did movies and modeling. She always wanted to model.

Q When did your relationship with her go sour?

A Probably '95 or '96/

Q What would you say the cause of it?

A Drugs.

Q She started to take drugs?

A Yes.

Q In '95?

A Yes

THE COURT: What type of drugs?

MS ARTHUR: She was on Valium. I can't remember names. She liked downers. She did not want to be up. She liked downers.

THE COURT: And you started to worry about her big time?

MS. BARTH: I am going to object to leading. I don't know what else to say.

MR. TUNSTALL: Overruled.

MS. BARTH: But she has to testify from personal knowledge, we don't know if she knew from personal knowledge.

THE COURT: I am going to turn it over to you. I appreciate it.

I am trying to get you back to the Bahamas.

MR. STERN: Anytime time is fine.

THE COURT: Now, we are going to slow down.

QUESTIONS BY MR TUNSTALL OF MS. ARTHUR:

Q We are going to move faster on one thing. I neglected to ask you about, besides Anna Nicole's brothers and sisters, would Dannielynn have cousins in the Houston area.

A Yes, There's –

Q Let's go down the list. How many children does Shauna have?

A Two

Q David

A Two

MS. BARTH: Objection, relevance.

THE COURT: Is that why she wants to be buried with her family in Texas?

MR. TUNSTALL: Well Judge, if I may—

THE COURT: So it's relevant. Your objection is overruled.

MS. BARTH: Thank you, Your Honor.

MR. TUNSTALL: All right. Can you tell us, at least your observation of the relationship between when you observed your daughter doing drugs and when Mr. Stern appeared on the scene?

MS. BARTH: Calls for speculation.

THE COURT: Overruled. I allowed it for you.

MS. ARTHUR: Okay. I had never met Howard Stern. This is the first time probably I have ever seen him.

MR. TUNSTALL: No –

MS. BARTH: I am just asking him to lay a predicate, foundation.

THE COURT: You want time and place.

QUESTIONS BY MR TUNSTALL OF MS. ARTHUR:

Q Have you ever talked to him on the phone?

A Once.

Q So you never met him?

A No.

Q Now, you say your problem, your relationship with your daughter became strained in about '95? Did you and she keep in contact with each other?

A Yes. Off and on. Not very often. After she started drugs, every three or four times a month, she would call me in the middle of the night.

Q In what kind of condition?

A Drugged. She told me specifically, don't go to work tomorrow. I promise I won't go to work tomorrow. She'd say, because I think you are going to get killed. I go to work at six and this was four o'clock in the morning.

Q All right. Now, Mr. Stern has testified that you had offered some evidence that you knew nothing about your grandson Daniel. Now, you raised him?

A Yes, I did.

Q Now, you would have raised him from when he was born?

A '86, I think.

Q So he would have been living with you from '86 to '92 or '93?

A Uh-huh.

Q Then where did he go?

A He went to live with his mom. By this time, Howard Marshall was taking good care of her, he bought her a house and she could afford a nanny.

(Direct testimony is interrupted by The Court. The following exchange takes place.)

THE COURT: Let me ask you, Stern, could I borrow you for a couple hours tomorrow morning. I like you being here. It helps me see a picture. I am one that see things in a picture. Can you come here tomorrow?

MR. STERN: What I would request is, I will stay as late as you want tonight, but, I would really prefer –

THE COURT: These people are worn out and they do not want me to work people beyond five o'clock. They have their own family and children. I know I got to let them go home.

Do me a favor, come tomorrow for a couple hours. I promise you, I will let you leave at 11.

MS BARTH: Then I would request that he fly home tonight and –

THE COURT: Yes, because I believe you are going to come back. Now don't embarrass me.

MR. STERN: Your Honor, I will come back. This is important to me to carry out Anna's intent. I will be back.

THE COURT: You can fly back tonight and you will come back tomorrow morning.

We will start tomorrow at nine o'clock on the button. We are going to have you testify and we will see what other witnesses there are tomorrow and Wednesday and then we'll see how do we want to start to wrap it up. We want to start to wrap it up.

MR. O'QUINN: There is a hearing scheduled in the Bahamas.

(After more conversation The Court recess' for the day.)