

latimes.com

Two convicted of conspiring to provide prescription drugs to Anna Nicole Smith

Her doctor, Sandeep Kapoor, is acquitted of all charges. The model's companion, Howard Stern, was acquitted on seven of nine counts. The jury deadlocked on two counts against her psychiatrist.

By Victoria Kim, Los Angeles Times

October 29, 2010

A Los Angeles County jury Thursday convicted Anna Nicole Smith's longtime companion and a psychiatrist of conspiring to provide powerful prescription drugs to the model for several years before her fatal overdose in 2007.

The jury acquitted a third defendant — one of Smith's doctors — of all charges.

The panel deliberated for more than two weeks before convicting Howard K. Stern and Dr. Khristine Eroshevich on two counts each of conspiring to obtain controlled substances by fraud and by providing false names. Eroshevich was also convicted of two additional counts involving obtaining medication by fraud.

Jurors acquitted Stern on seven of nine counts and deadlocked on two counts against Eroshevich. Smith's primary care physician, Dr. Sandeep Kapoor, was acquitted of all six counts.

Despite the mixed verdicts, Dist. Atty. Steve Cooley said in a statement that he was "pleased that the jury reached guilty verdicts."

"This case illustrates the problem of the overuse of prescription medicine in today's society," he said. "Medical professionals have a responsibility to ensure that the strict ethical guidelines of their profession are followed in prescribing medicine as part of the care of their patients."

Defense attorneys, however, also claimed victory, noting that jurors delivered acquittals or deadlocked on all charges of providing medication to an addict. Whether Smith was an addict seeking drugs to get high, or a pain patient with a legitimate medical need, was a point of heated contention during the trial.

"It was a victory for Anna Nicole Smith. This jury did not find she was an addict," said Kapoor's attorney, Ellyn Garofalo, adding that prosecutors "may have been motivated or triggered by tabloid stories that later turned out not to be true."

"The whole case here was based on the idea that Anna was some drug-seeking, drug-crazed

addict ... for that part of the people's case, Howard was acquitted across the board," said Stern's attorney, Steve Sadow, who emphasized that his client was convicted only of using false names to obtain medication, which he contended was for Smith's privacy.

Defense attorneys criticized prosecutors for wasting taxpayer resources and being "overzealous."

They pointed out at trial that the district attorney's office spent more than \$40,000 to fly out two of Smith's Bahamian nannies and their security personnel for what one attorney called "fairly nonessential testimony" and that four deputy district attorneys had been assigned full time to the case.

Kapoor, a Studio City physician who began treating Smith in 2004 when he took over another doctor's practice, teared up as he spoke to reporters outside court, saying that the last few years had been "nightmarish."

"This is really a victory not just for me ... but for patients all over the country who suffer chronic pain and physicians who treat chronic pain," he said.

Eroshevich said she was "relieved" and "just really happy that it's over."

"Everything Khris did was with Anna's best interest at heart, but I can certainly understand the jury's verdict," said her attorney, Bradley Brunon.

During the two-month trial, prosecutors contended that the three defendants were motivated by Smith's fame when they used dubious methods to obtain and give powerful opiates and sedatives to Smith in the three years leading up to her death.

They accused Kapoor and Eroshevich of crossing boundaries between their professional and personal relationships, showing the jury Kapoor's journal, in which the doctor wrote about attending a gay-pride parade with Smith, and a photo of Smith and Eroshevich naked and embracing in a bathtub.

Attorneys for the doctors told jurors that Smith suffered from chronic physical pain as well as severe emotional pain in the last months of her life, resulting from the death of her son, Daniel. They argued that their clients were acting in Smith's best interests and that a doctor's medical judgment cannot be "second-guessed" after the fact.

Jennifer Simoes, a spokeswoman for the Medical Board of California, said the board would begin the process of evaluating Eroshevich's license once her conviction becomes final at the time of sentencing. Eroshevich and Stern are due back in court for sentencing Jan. 6.

It was unclear what sentences Stern and Eroshevich could receive, but a district attorney's spokeswoman said they "face possible maximum terms of at least three years in state prison."