

# Smith: Defendant has met with defense psychiatrist

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for allegedly drugging and murdering her daughter, Isabella Smith, 2, and attempting to kill her older daughter, Alana Smith, then 13, in a Cannon Beach hotel in July 2014.

While she was unable to meet with the state's psychologist on Oct. 13 and 14, Smith has met with Beth Howell, the defense's psychiatrist, on multiple occasions.

In response to the discrepancy, Senior Deputy District Attorney Dawn Buzzard filed a motion this week requesting the court to not allow the defense's expert testimony on diminished capacity at trial.

"So defendant has not only met with a psychiatrist associated with the defense several times between July 1 and September but defendant met with Dr. Howell on two occasions on Oct. 20, after

refusing to talk to Dr. Guastadisegni," Buzzard wrote.

If Smith wants to have a defense expert testify on her behalf regarding diminished capacity, then the District Attorney's Office is requesting two days in early December for Smith to comply with the court order and be evaluated by Dr. Guastadisegni.

The evaluation needs to be done by then, since a deadline has been set in December for both sides to exchange expert reports.

Buzzard requested a hearing Nov. 9 given the shrinking window of time and limited availability of the state's expert.

"The state's main concern as we have repeatedly argued is that the trial date in late June of 2016 not be set over to respect the right and desires of the surviving 13-year-old victim," Buzzard wrote.

In Sgt. Roberts' jail report on Smith's refusal to undergo the court-ordered evaluation, he noted that her behavior has been noticeably different since she returned to custody from her last court hearing in early October.

Two weeks before the attempted state evaluation, Smith was transported to Clatsop County Circuit Court for a hearing where the evaluation was discussed.

She came back to Tillamook Jail acting differently.

"Smith's normal demeanor while in our custody has been almost bubbly at times without a real connection as to why she is in custody," Roberts wrote. "From this point forward it would be my opinion she has some awareness as to her current reality. Smith's demeanor is now solemn, disturbed and she is showing signs of depression."



Joshua Bessex/The Daily Astorian

Jessica Smith, left, listens during a status hearing at the Clatsop County Courthouse in August. Smith is charged with aggravated murder and attempted aggravated murder in the drowning death of her 2-year-old and cutting the throat of her teenage daughter in Cannon Beach.

# LNG: Commission's final impact statement will come in February

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applicant "must obtain the necessary rights for the site on which they intend to build," the commission wrote. "However, this is not a process that the commission administers."

Such disputes, then, do not influence whether the commission allows energy companies to proceed with development, the letter states.

"Often the agreements needed to secure the land are complex and involve lengthy negotiations between the parties. Many times, these agreements cannot be completed until after the commission has authorized a project," reads the letter, signed by Chairman Norman C. Bay.

The commission's policy is to continue processing the applications "as long as there is the possibility of future resolution to any site access issue."

Bonamici could not immediately be reached for comment.



Suzanne Bonamici



Jeff Merkley



Ron Wyden

## Terminated project

The Democratic lawmakers — without taking sides on the Oregon LNG project — had asked whether the commission has confronted similar cases where an energy company doesn't hold title to the land it wishes to build on.

The commission answered that it has — and noted that, because the property dispute could not be resolved, the company backed down.

In January 2004, Sound Energy Solutions filed an applica-

tion for an LNG import terminal in Long Beach, California, but the site owners declined to enter into a lease with the company.

"In light of the fact that there was no ability for the applicant to gain access to or control of the proposed LNG import terminal site, the applicant requested that the commission terminate the proceeding, and the commission did so in March 2008," the commission wrote.

Opponents of Oregon LNG

hope that the company's conflict with the Army Corps spells the end of the Oregon LNG project as well.

However, Mike Connors, a Portland attorney representing Oregon LNG, said during a public hearing on the company's land use permit applications that he believes the Army Corps wants something in exchange for the easement and that the two parties will ultimately reach an agreement.

Last summer, the U.S. District Court in Portland ruled

against Oregon LNG in a lawsuit filed against the Army Corps. The company had claimed that the Army Corps, which has held an easement to deposit dredging spoils since 1957, has no right to the land beneath the water that would become the site of the LNG facility.

But the court found that the statute of limitations to bring the claim had long expired and dismissed Oregon LNG's lawsuit.

Now the company argues that the Army Corps, which hasn't deposited dredge spoils on the site in more than 20 years, has effectively abandoned the property. The litigation is ongoing, Connors said.

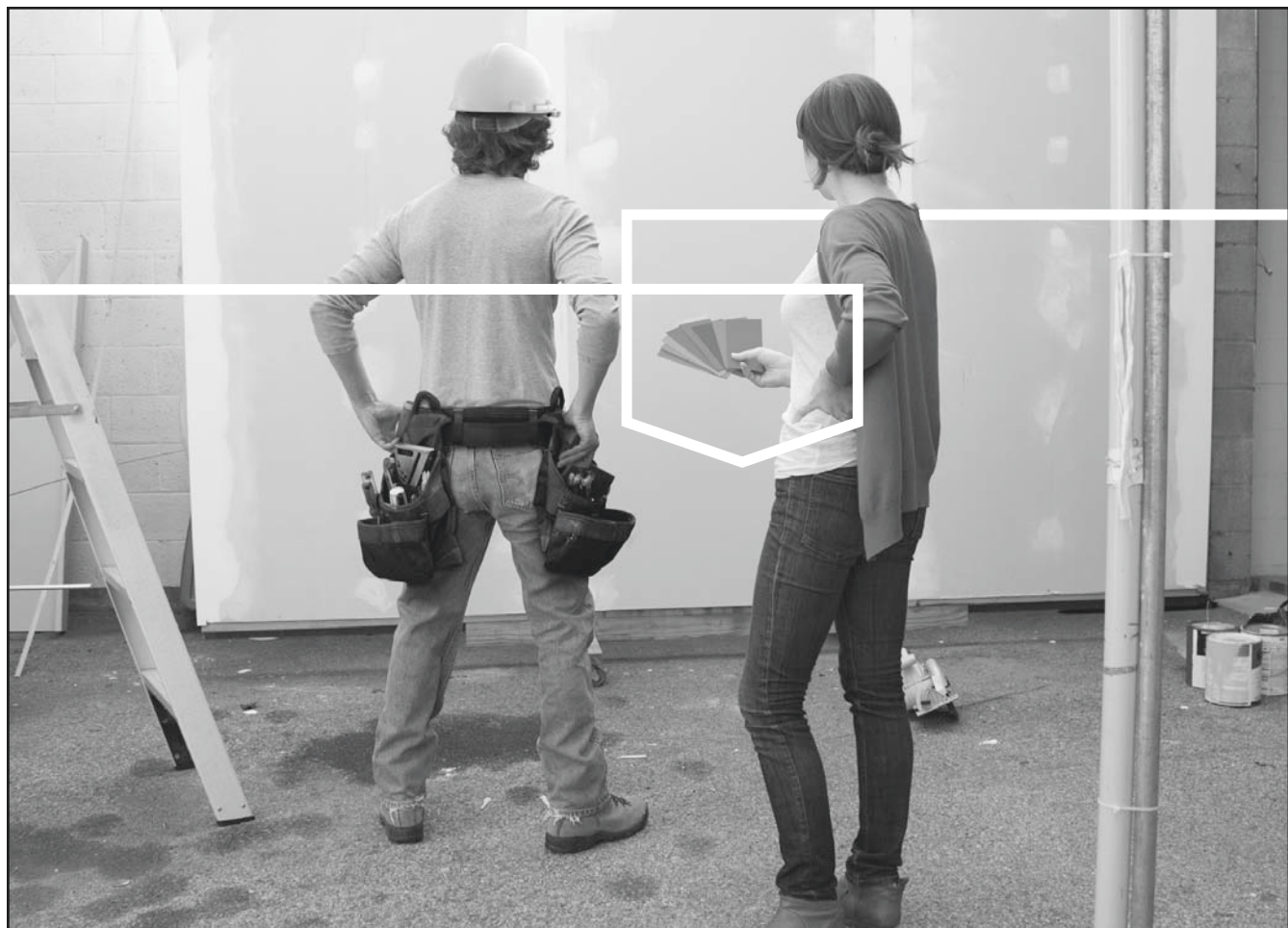
## Environmental statements

In August, FERC's environmental staff released a draft environmental impact statement on the Oregon LNG

project. The statement concluded that the project will cause adverse environmental impacts on water quality and fish and wildlife habitat, but that the company could reduce these impacts to less-than-significant levels through mitigation measures proposed by FERC staff and the company.

When the environmental staff held two public comment meetings at the Clatsop County Fair & Expo Center last month, 77 concerned people spoke out against the project and three spoke in support.

Their comments, the environmental staff said, will be addressed in the commission's final environmental impact statement, to be released in February. The commission will consider the findings before deciding whether to grant Oregon LNG permission to break ground in Warrenton.



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