

# Trial: State plans to present video, audio of Smith's statements

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director used a bolt cutter to enter the room. Alana was bleeding profusely from cuts on her neck.

"It was a medical emergency," Clatsop County District Attorney Josh Marquis said.

Jessica Smith's defense lawyers, William Falls and Lynne Morgan, argued in court Wednesday that the officers violated Alana Smith's privacy by entering the room without a warrant.

As a result, the defense lawyers claim, all the evidence collected after entering the room is tainted and cannot be used at trial next year.

Marquis said the responding officers had no idea it was a crime scene until they entered the room. They were simply responding to a disoriented female, he said, and did not need a search warrant.

The lawyer's debate was part of a pretrial hearing in



Danny Miller/The Daily Astorian

**Jessica Smith appears in court for a hearing Wednesday at Clatsop County Circuit Court in Astoria. More photos online at DailyAstorian.com**

Clatsop County Circuit Court this week to determine what evidence can be used in trial.

Judge Cindee Matyas recently deemed Jessica Smith, 42, of Vancouver, Washington, mentally competent to stand trial.

The prosecution believes

Smith made specific plans to drug her daughters and used razor blades to cut the throat and arms of her teenager.

Alana Smith told investigators that her mother allegedly assisted her with cutting her own throat and drowned her 2-year-old sister because the

children did not want to live with their father, according to court documents. Alana Smith, now 15, is now living with her father in Washington.

Jessica and Gregory Smith separated in April 2014. The girls' father sought a custody evaluation less than two weeks before they were discovered in the hotel room.

## Concerned

Mackenzie Walgren, the housekeeper who called 911, testified Wednesday about her concern when she saw a woman, later identified as Alana Smith, lying on the floor and unable to give a verbal response.

At first, Walgren said, she used a master key card to service the room. Alana Smith told her to go away and eventually deadbolted the door. After moving on to another room, the housekeeper heard the teenager fall to the ground and not respond.

"I became concerned for her health," she said. "I decided to call 911."

Schermerhorn, the first to enter the hotel room, testified he saw the two girls laying on the bed. Isabella Smith appeared lifeless and posed, and Alana Smith was seriously injured.

Before the officers entered the room, Alana Smith was asked if she called 911 or needed any help.

She softly said, "no," but the officers did not know what she was saying no to.

"We have always just gone in and assessed the situation," Assistant Fire Chief Swedeborg testified.

## Unharmed

A few days after abandoning the hotel room, a U.S. Coast Guard MH-60 helicopter spotted Jessica Smith near her gold 2007 Chevrolet Suburban on a heavily forested logging road, just off of U.S.

Highway 26, about 15 miles east of Cannon Beach.

Video from the helicopter was played in court Wednesday, showing Smith appearing unharmed and in good shape. She is seen standing by her car, walking down a logging road and gesturing toward the helicopter. The helicopter crew sent her down a note that told her to stay by her car and that it was not a safe place for them to land.

A Clatsop County Sheriff's Office SUV drove up a logging road, and officers in the vehicle arrested her.

Another claim from Smith's defense lawyers is that she was illegally interrogated by law enforcement after her arrest.

The state also plans to present video and audio recordings of Smith's statements in court Thursday to dispute the defense lawyers' claims.

The pretrial hearing is scheduled through Friday. The trial is set for July 2017.

# Societies: 'I don't think they could shut us down. They'll turn us into a museum first.'

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Members must be 21 to join the Order of the Moose, but Hutchens said younger members are rare.

"We have a few 21-year-olds who mostly come to play poker, but younger people don't understand what fraternalism is and that's just the way America is these days," he said.

## The Eagles

The Fraternal Order of the Eagles is another philanthropic social organization that has done charity work and fundraising for more than a century. Across the country, Eagles raise millions of dollars to go toward programs that support cancer research and combat child abuse.

Aerie No. 2189 once had over 500 members at its downtown Astoria location, but was shut down in 1998 due to low membership.

Mike Hauzenberger is the region's representative for the Moose International Territory 43, an area which includes Southern Idaho, Utah and Oregon. He says the problem with retaining members is felt throughout the organization.

"A decade ago, we had over 2 million members now we have about 600,000," Hauzenberger said. The decrease in numbers can't be pinpointed, but Hauzenberger believes it comes from cultural shift.

"Trends change because of society," he said. "People don't feel the need to belong to a group like they used to."

Hutchens used to belong to the Eagles, but moved his allegiance to the Moose shortly after the Aerie shut down. Regional officers urged members to support the Moose lodge, which could have faced the same fate as the Eagles.

## The Elks

For years, the Benevolent and Protective Order of Elks has hosted community events like an annual hoops shoot contest. Their main projects include involvement with the Children's Eye Clinic at Oregon Health & Science University and hosting a speech therapy camp in Meadowood.

Like others, Elks requires an annual membership fee and a questionnaire asks prospects if they have had legal trouble or if they believe in God.

"We do background checks on all our members," said Exalted Ruler Dave Hinton, "but if you have a felony, you're out."

Hinton also belongs to the Moose lodge, American Legion and the Freemasons. Now a resident in Reedsport, Hinton makes the 5-hour commute twice a month for the Elks' meetings.

The Elks Lodge was

originally built in Astoria in 1890. It was a two-story building with a large basement before the 1922 fire reduced it almost entirely to ash. The lodge would come back bigger and better than before.

In addition to the first-floor gallery and second-level barroom, a tall-ceilinged lodge room was added.

Three floors for congregating, not including the basement, which has bowling lanes and an archery range, might seem excessive for a lodge that only has 270 members. But records show that only 20 years ago, the number was more than double.

Nine more members were initiated into the order last month, but Hinton agrees that the change in culture is behind the low numbers.

"I don't get it. They're too busy playing video games to be involved in community."

Hinton said the Elks do

worry about being shut down.

"If we don't keep on as a business, per se, the Grand Lodge can come in and close us down," he said.

## American Legion

Clatsop Post 12 American Legion Adjutant Mike Phillips will tell you that the legion in Astoria is as old as any other in the country and the wall decor proves it. Along with a classic firearms collection, pictures and banners from local soldiers who have gone off to war cover nearly every inch of the wall.

Similar to the other organizations, American Legion is responsible for putting on charitable events at the national and local level.

Phillips joined the American Legion when he was 23 and had just returned from service in Vietnam. One of his earliest memories of the post was the New Year's Eve

party that year. "The place was so packed you couldn't move," Phillips said. "Those World War II guys were partiers."

While a full service bar is still available, alcohol isn't the only attraction the post offers, as the adjutant also remembers groups coming in at all times to just hangout.

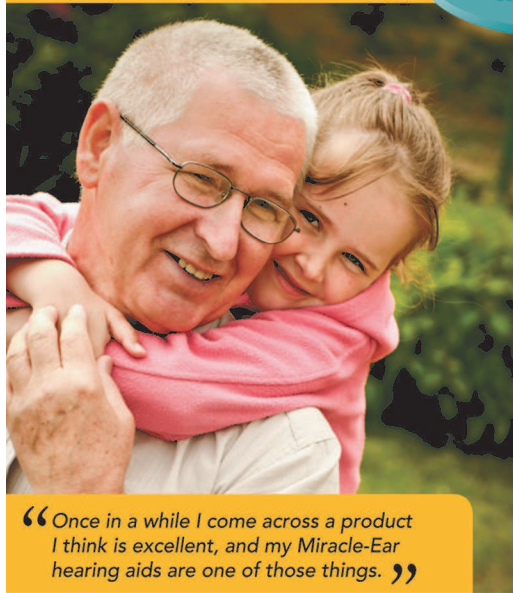
"We used to open at 8 a.m. and people would be in here drinking coffee and telling stories," he said.

The parties at Post 12 are now smaller, according to Phillips, during the time around that first party, it boasted membership of over 2,000. Today, he says it's hardly a quarter of that.

Unlike the Eagles and the Moose, Phillips isn't worried about the closure of the post even with declining membership. "I don't think they could shut us down," he said. "They'll turn us into a museum first."

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