

Smith trial pushed to 2016

By Kyle Spurr
EO Media Group

The trial date for Jessica Smith, the mother accused of drugging and murdering her 2-year-old daughter and attempting to kill her 13-year-old daughter in a Cannon Beach hotel last summer, was set back almost a year during a status hearing Jan. 22 in Clatsop County Circuit Court.

Smith, 41, is officially scheduled for a three-week trial beginning June 28, 2016, rather than the initial date of July 7, 2015.

Debate over the trial date lasted months as the defense and prosecution each filed motions and argued for and against the initial date.

Clatsop County District Attorney Josh Marquis claimed in court and in writing that an earlier trial date would benefit the surviving child, Alana Smith, and her father, Gregory Smith, who have both expressed a desire to have the case tried as soon as possible.

“Time goes by much slower when you are 12 or 13,” Marquis said.

Smith’s defense attorneys William Falls and Lynne Morgan claimed they would not be ready to defend a possible death penalty case by July, mainly because they are both scheduled in other aggravated murder cases in Clackamas and Multnomah counties this year.

Falls did indicate at the Jan. 22 hearing that he anticipates filing a motion concerning mental health issues, a possible defense for Smith. The defense also revealed it would be open to resolving the case before trial or go forward without the death penalty.

Smith, of Goldendale, Wash., pleaded not guilty Aug. 12 to aggravated murder and attempted aggravated murder. Smith is accused of drowning her 2-year-old daughter Isabella Smith and cutting the throat of daughter Alana Smith July 31 in a local hotel.

Marquis said he has not decided whether or not to pursue the death penalty, mostly due to the fact that he has received zero evidence from the defense.

The defense’s deadline for discovery, or evidence, is April 7 and the prosecution’s deadline is Jan. 30.

Marquis told the court moving the trial back six or seven months would be acceptable, but two years is ridiculous.

“This case is not much of a whodunnit,” Marquis



JOSHUA BESSEX PHOTO

Jessica Smith, appears with her attorneys William Falls, back, and Lynne Morgan, foreground, at the Clatsop County Courthouse for a status hearing. Smith is accused of drugging and murdering her 2-year-old daughter and attempting to kill her 13-year-old daughter in a Cannon Beach hotel last summer.



JOSHUA BESSEX PHOTO

Clatsop County District Attorney Josh Marquis speaks with prosecuting attorney Dawn Buzzard after the Jessica Smith status hearing at the Clatsop County Courthouse.



JOSHUA BESSEX PHOTO

Defense attorney William Falls makes a statement during a status hearing for Jessica Smith at the Clatsop County Courthouse Jan. 22.

said. “There are not a lot of red herrings. It is what it is.”

The defense said it suggested a summer 2016 date, in part, as a courtesy to Alana Smith, who will be on summer break from school. The defense did compromise by saying an earlier trial date around April 2016 would be possible.

Greg Smith, who spoke over the phone at the hearing Jan. 22, said he would rather have the trial in summer 2016 than the spring when Alana is in school.

Alana Smith never attended school in her life



Jessica Smith is led away after her status hearing at the Clatsop County Courthouse Jan. 22. Smith’s murder trial was set for June 28, 2016.

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Clatsop County District Attorney Josh Marquis rubs his forehead during the Jessica Smith status hearing at the Clatsop County Courthouse.

until enrolling this year. She remains in the custody of her father in Washington.

“I think it would be preferable to wait,” he said.

Before setting the trial date, Judge Cindee Matyas asked Jessica Smith if she was OK with waiting two years from the time of her arrest for trial.

“Yes, I am your honor,”

Jessica Smith said.

Jessica Smith then waived her right to a speedy trial. She appeared in court wearing makeup, a yellow jumpsuit and her hair in a loose bun. She remains in Tillamook County Jail without the possibility of posting bail.

The next scheduled court hearing is set for May 12.

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