

# Judge OKs mental health check for accused killer Smith

## Attorneys spar over timelines in alleged killer's case

By Dani Palmer  
Cannon Beach Gazette

Clatsop County Circuit Court Judge Cindee Matyas gave the District Attorney's Office the go-ahead for a mental health evaluation with alleged killer Jessica Smith on Friday, Oct. 2.

Smith, 41, of Goldendale, Washington, appeared in court shackled and in a blue jumpsuit. She is accused of aggravated murder and attempted aggravated murder for allegedly drugging and murdering her daughter, Isabella Smith, 2, and attempting to kill her older daughter, Alana Smith, 13, in a Cannon Beach hotel in July 2014.

Smith's attorney William Falls and his co-counsel plan to use a diminished capacity defense, and on Aug. 28, opposed the state's chosen evaluator, Dr. Paul Guastadisegni, because Falls claimed the Portland-based psychologist lacked the proper credentials to do such an examination under new state standards.

"Frankly, this is sandbagging," District Attorney Josh Marquis said.

He said he sent Guastadisegni's background to Falls and co-counsel Lynne Morgan in July, six weeks before the status hearing in August.



Jessica Smith is led into a status hearing at the Clatsop County Courthouse.

Falls didn't oppose the proposed evaluator until the morning of that court date.

In response, Marquis said the state took extra steps as a precaution, ensuring Guastadisegni has been temporarily and conditionally certified to do the evaluation.

"The state is entitled to its examination," Matyas told Falls, adding she believes Guastadisegni is appropriate.

She ordered that the state's evaluation take place Oct. 13 and 14, as previously set.

Falls countered he'd rather wait until Morgan is available, prompting Matyas to ask why he'd agreed to the date in the first place, if Guastadisegni ended up certified for the job.

Falls said he plans to file notice of when Morgan is available, adding it is Smith's constitutional right to have all counsel present during such an evaluation.

Matyas noted the dates could change if there was mutual agreement between the defense and prosecution.

"These are time-consuming evaluations," she said. "The exchange of information is critical for both sides."

She also granted Falls permission to video the evaluation after discussion, as long as an unedited copy is made for the District Attorney's Office.

Marquis expressed concern in that neither he nor his

deputy attorneys will be there for that evaluation while the defense has already stated it's not going to allow Smith to answer questions that may incriminate her.

If Falls objects to questions about Smith's marriage or her upbringing, he added, then there's no point in doing an evaluation.

"This is not an elaborate chess game," Marquis said. "We're trying to expedite discovery in a complicated case."

Matyas said the parameters the state sets forth should be enough, and that she's not going to "micromanage" the evaluation.

Deputy District Attorney Dawn Buzzard brought up



JOSHUA BESSEX/THE DAILY ASTORIAN

ABOVE: Jessica Smith, left, appears for a status hearing at the Clatsop County Courthouse.



JOSHUA BESSEX/THE DAILY ASTORIAN

LEFT: District Attorney Josh Marquis speaks during a status hearing for Jessica Smith at the Clatsop County Courthouse.

defense-hired Dr. Beth Howell, who's visited Smith in jail half a dozen times since July, according to jail records.

Falls objected and called the information irrelevant as the defense has not filed her as an expert witness. He added the state cannot force the defense to "file evidence of a particular nature" until he receives a report and decides to use it.

The district attorney's office filed a motion to compel discovery Oct. 1.

"This case is going slower than the state and, I think, court want," Marquis said.

He noted Howell worked with the defense on the Adrien Wallace case in 2014,

in which the state didn't receive discovery until the trial began, delaying the case.

Wallace, of Lake Oswego, was convicted of murdering his 71-year-old mother and teenage nephew in 2012, and sentenced to life in jail, according to court records.

Marquis added he doesn't want his office to be put in the same situation if the defense decides to put Howell on the stand.

Matyas said she'll consider the compel motion, but needs to give Falls a chance to respond first.

"Today, I don't believe, would be the day," she said.

The trial is set for June 2016.

THE NATIONAL AWARD-WINNING  
**CANNON BEACH GAZETTE**

**Publisher**  
Steve Forrester

**Editor**  
R.J. Marx

**Reporter**  
Dani Palmer

**Advertising Manager**  
Betty Smith

**Production Manager**  
John D. Bruijn

**Circulation Manager**  
Heather Ramsdell

**Advertising Sales**  
Laura Kaim  
Wendy Richardson

**CANNON BEACH GAZETTE**  
The Cannon Beach Gazette is published every other week by EO Media Group.

1555 N. Roosevelt, Seaside, Oregon 97138  
503-738-5561 • Fax 503-738-9285

www.cannonbeachgazette.com  
• email: editor@cannonbeachgazette.com

**SUBSCRIPTION RATES:**  
Annually: \$40.50 in county, \$58.00 in and out of county.

Postage Paid at: Cannon Beach, OR 97110

**POSTMASTER:**  
Send address changes to Cannon Beach Gazette, P.O. Box 210, Astoria, OR 97103

Copyright 2015 © Cannon Beach Gazette. Nothing can be reprinted or copied without consent of the owners.

## Support your local firefighters at ham dinner

Cannon Beach Volunteer Firefighters will hold their 68th Annual Benefit Ham Dinner, Saturday, Oct. 10, from 4:30 to 8 p.m. The dinner will be held at the Cannon Beach Conference Center, 3rd and Spruce streets. Admission is \$10 for adults, \$5 for children under 12. Tickets are available at the door. All funds will be used to purchase firefighting, medical and rescue equipment.



### If you call a contractor yourself, that still counts as DIY.

Look to a U.S. Bank Home Equity Line of Credit for your next major project. You'll be greeted with competitive rates, flexible payment options and people who genuinely care.

#### HOME EQUITY LINE OF CREDIT

Introductory Rate for 5 months  
Rates as low as

**1.50%**  
APR\*

Rate available 9/12/15 - 11/20/15.  
Rates are subject to change.

Variable rate after  
Introductory period

**3.99%**  
APR\*

Actual rates may vary.  
Visit your local branch or usbank.com.



usbank.com/dreambig | 800.209.BANK (2265)

\*1.50% Introductory Annual Percentage Rate (APR) is available on Home Equity Lines of Credit with an 80% loan-to-value (LTV) or less. The Introductory Interest Rate will be fixed at 1.50% during the five-month Introductory Period. A higher introductory rate will apply for an LTV above 80%. Offer is available for new applications submitted from September 12, 2015–November 20, 2015. After the five-month introductory period, the APR is variable and is based upon an index plus a margin. The APR will vary with Prime Rate (the index) as published in the Wall Street Journal. As of September 11, 2015, the variable rate for Home Equity Lines of Credit ranged from 2.99% APR to 3.25% APR. Higher rates may apply due to an increase in the Prime Rate, for a credit limit below \$125,000, an LTV at or above 80%, a low credit score and/or not having a U.S. Bank personal Package Checking account. A U.S. Bank personal package checking account is required to receive the lowest rate, but is not required for loan approval. The rate will not vary above 18% APR, or applicable state law, or below 1.50% APR. Choosing an interest-only repayment may cause your monthly payment to increase, possibly substantially, once your credit line transitions into the repayment period. Repayment options may vary based on credit qualifications. Interest only repayment may be unavailable. Loan approval is subject to credit approval and program guidelines. Not all loan programs are available in all states for all loan amounts. Interest rates and program terms are subject to change without notice. Property insurance is required. U.S. Bank and its representatives do not provide tax or legal advice. Your tax and financial situation is unique. You should consult your tax and/or legal advisor for advice and information concerning your particular situation. Other restrictions may apply. Mortgage and Home Equity products offered by U.S. Bank National Association. Deposit Products are offered through U.S. Bank National Association. Customer pays no closing costs, except escrow-related funding costs. An annual fee of up to \$90 may apply after the first year and is waived with a U.S. Bank personal Platinum Checking Package. See the Consumer Pricing Information brochure for terms and conditions that apply to U.S. Bank Package Checking accounts. Member FDIC ©2015 U.S. Bank. All rights reserved. 150899 9/15

You name it, we've banked it.

**Experience is our strong suit.** We've been the bank of choice for every kind of business from tech to timber, and everything in between. Our bankers know your business, and nothing will come between you and the service you deserve. Get to the next level with the community bank built for businesses.

You'll notice the difference. **Columbia Bank**

Find out more at columbiabank.com or call 877-272-3678.  
Member FDIC. Equal Housing Lender