

Defense: Smith suffers from mental disease

She lacks 'rational understanding' of the case, evidence

By Kyle Spurr
EO Media Group

A defense lawyer for Jessica Smith says she suffers from a mental disease and is unfit to proceed in her criminal trial.

Smith, 42, is accused of drugging and murdering her toddler and attempting to kill her teenager in Cannon Beach in July 2014.

"I have met with Ms. Smith on a number of occasions since my appointment to this case," Lynne Morgan, Smith's defense lawyer, wrote in a court filing. "It is my opinion Ms. Smith currently suffers from a mental disease or defect and is unable to aid and assist in her own defense."

Morgan and co-counsel William Falls have hinted at plans to use a diminished-capacity defense.

Smith, an inmate in Tillamook County Jail, was evaluated by the state's psychologist Paul Guastadisegni after she refused multiple times.

The prosecution claims Smith also met with Elizabeth Howell, the defense's psychiatrist, on multiple occasions. Results from the mental health exam-



Jessica Smith is led to her seat in the Clatsop County Courthouse for a status hearing in May. A defense lawyer claims Smith has a mental disease and is unfit to proceed with her trial.

inations have not been released.

In the defense's motion filed Monday, Morgan asks the court for a competency examination of Smith and then a determination of Smith's fitness to proceed.

Morgan claims Smith does not appear to have a rational understanding of the proceedings against her. Her mental disability prevents her from

'From this point forward it would be my opinion she has some awareness as to her current reality.'

Sgt. Brandon Roberts,
Tillamook County Sheriff's Office

rationally comprehending the evidence against her and impairs her ability to make a

reasoned choice among the possible alternatives presented in the case, she wrote.

"Finally, Ms. Smith appears to suffer from a mental disability which interferes with her ability to understand the nature and consequences of any waiver of her important constitutional rights she may be called upon to make in this case," Morgan wrote.

Smith's defense recently filed other motions including one accusing the

state of intruding into the confidential attorney-client relationship. The defense is upset over the state publicly filing a report from Tillamook County Sheriff's Office Sgt. Brandon Roberts that included details relating to Smith's interactions with her defense team. The report details Smith's refusal to be evaluated on three occasions by the state's psychologist. She told Sgt. Roberts, "I can't do this. I don't know what is wrong. I'm sick and I'm going to throw up."

Sgt. Roberts' jail report noted that Smith's behavior had been noticeably different since she returned to custody from a previous court hearing in early October.

"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."

Smith 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, then 13, in a Cannon Beach hotel in July 2014.

A trial is set in June.

CANNON BEACH POLICE LOG

Dec. 27

12:47 a.m., Highway 101 /North Entrance. Assistance rendered.

1:09 a.m., 1100 Block S. Hemlock St. Missing person. Officers responded to a missing person's report and found there was no missing person.

2:16 a.m., 2nd St./Sewer Pond, Camping within city limits. Subjects warned for unlawful lodging.

3:53 p.m., Beach /Tolovana. Complaint of a vehicle driving on the beach. Officer made contact with the subject, who had a beach driving driftwood collection permit for a different vehicle. Verbal warning issued. Subject was advised to come in for a permit for the vehicle he was currently driving. Officer cleared.

Dec. 28

11:23 a.m., Ocean/Madison. Parking complaint. Complaint of an unoccupied vehicle parked in a no parking area. Officer arrived and made contact with the driver, who was on the phone. The vehicle moved and the officer cleared.

Dec. 29

12:19 a.m., 100 Block West Gower St. Assist other agency. Assisted Fire Department with medical call. Female feeling weak from the flu.

2:57 p.m., Southbound Highway 101. Assist other agency. Fireworks offense. Caller reporting fireworks/gunshots in the area. Officer located subjects with fireworks and confiscated them.

Dec. 30

7:23 p.m., 600 Block N Hemlock. Assist other agency. Officer assisted on scene with reported odor of natural gas.

Dec. 31

11:16 a.m., 100 Block East Jackson. Unsecured premises. Report of open detached garage door. Checked garage and nothing appeared to be amiss. Some construction materials in garage used for work on unoccupied home. Secured the garage door.

11:25 a.m., 200 blk N Hemlock. Property found. Found wallet turned in and later returned to owner.

4:27 p.m., Beach. Lost property. Report of a lost cell phone on beach.

6:46 p.m., 32 Highway 101. Assist other agency. Vehicle crashes into guard rail.

9:52 p.m., 21:52 100 Block N.

Larch. Assistance rendered. Officer responded to report of intoxicated person not leaving hotel room. Officer advised subject left voluntarily in a cab.

10:41 p.m., 100 Block N. Larch St. Disturbance. Officer responded to report of intoxicated female back at door knocking. Officer gave courtesy ride to motel after much time.

10:43 p.m., 100 Block Orford

Assist other agency. Reported possible chimney fire. Fire officer will keep an eye on and will notify if needs tone out.

Jan. 1

1:55 a.m., Seaside. Assist other agency. Officer assisted other agency on disturbance call.

1:57 a.m., 600 Block S Roosevelt. Assistance rendered.

11:31 a.m., 200 Block N. Hemlock. Assist other agency. Assisted Cannon Beach Fire Rescue with suicidal subject.

12:51 p.m., Second and Spruce. Dog complaint. Officer assisted with a dog that jumped out of a parked car. Dog was reunited with owner.

Jan. 2

8 a.m., 100 Block East Gower. False alarm.



CANNON BEACH'S LARGEST SELECTION OF OREGON AND WASHINGTON WINE!

Shack Hours
Sun-Thurs • 11am to 5pm
Fri-Sat • 11am to 6pm

Tasting Room Hours
Saturdays • 1 to 5pm

UPCOMING TASTINGS

Jan 16 • Northwest Reds
Jan 23 • Wine Shack Favorites
Jan 30 • Puffin & Friends
Feb 6 • Super Bowl Party Wines
Feb 13 • Wines for Romance
Feb 20 • Puffin & Friends

"Best Wine Shop on the Oregon Coast." - Wine Julia

124 N. HEMLOCK, CANNON BEACH - 503.436.1100 - WWW.BEACHWINE.COM

We have the Sweetest Treats for your Valentine!




Pre-order CHOCOLATE DIPPED STRAWBERRIES for February 14th (limited supplies)

Valentine's Day Balloons NOW Available!!

Making Sweet Memories for over 50 Years!

2 LOCATIONS
Downtown Cannon Beach 503-436-2641
Seaside Outlet Mall 503-738-7828

Bruce's Candy Kitchen

www.brucescandy.com



Windermere REAL ESTATE
Windermere Stellar

 <p>NEW LISTING HAYSTACK ROCK OCEAN FRONT 1540 Forest Lawn Rd, Cannon Beach Sited high on the bluff, you will enjoy magnificent panoramic views of ocean & beach surrounding Haystack Rock from this custom 4 bd, 4 ba home. Private stairway to the beach. CMLS#14-431 \$2,850,000 Craig Weston 503-738-2838 Dana Weston 503-738-2839</p>	 <p>NEW LISTING RARE PRESIDENTIAL LOCATION 163 W Washington, Cannon Beach Just 200' to the beach, one block into town for shops & eateries. Amenities incl: 2 decks plus patio, dog run, outdoor shower & fenced private yard w/soaker system. FOR DETAILS CALL 1-800-784-9541 EXT 200 CMLS#16-8 \$1,430,000 Jackie Weber 503-440-2331</p>	 <p>NEW LISTING ULTIMATE OCEAN FRONT BEACH HOUSE 240 Beach St, Manzanita Superb views up & down the coast! Original structure torn down & saved and newly built in 2010 by Mike Kirkland. Main house + guest apt above garage 3 bedrooms 2.5 baths total. FOR DETAILS CALL 1-800-784-9541 EXT 381 CMLS#16-10 \$1,050,000 Jackie Weber 503-440-2331</p>
 <p>NEW PRICE ELEGANT, WHIMSICAL, COLORFUL! 131 W Jackson, Cannon Beach This beautiful cottage has been taken down to exterior walls & rebuilt in 2013 by Coaster Construction: new foundation, electrical, plumbing, siding, heating. So much to see! CMLS#15-1387 \$730,000 Karen Meili 503-440-5806</p>	 <p>COME AND DO NOTHING 3864 S Hemlock, Cannon Beach This quality 4 bd, 3.5 ba home beckons you with its warmth, charm and comfort. Generous, open kitchen, spacious, light filled with inviting stone fireplace. CMLS#15-319 \$675,000 Kate Merrell 503-739-2324</p>	 <p>BEAUTIFULLY APPOINTED OCEAN FRONT 3400 S Tolovana Inn, Cannon Beach You can have it all. Ocean front living without the maintenance or worry. Use your units or let them make money! The Tolovana Inn features a pool, sauna, workout room, and conference rooms. CMLS#15-327 \$349,000 Tina Chapman 503-440-9957</p>
 <p>IMMENSE WHITewater OCEAN VIEW 140 Watts Way, Cannon Beach Dream of the beach home you will build on this level lot by the ocean. All the property corners are flagged and the building footprint has been marked for maximum ocean view. CMLS#15-1446 \$349,000 Karen Meili 503-440-5806</p>	 <p>NEW LISTING TRANQUIL ZEN SETTING 539 N Hemlock, Cannon Beach This adorable John Kline home features a gentle rolling creek around the front. Two blocks to the beach, one block to the park. Vaulted ceiling in the master bedroom, with a jetted tub. CMLS#15-1708 \$325,000 Tina Chapman 503-440-9957</p>	 <p>MAGNIFICENT 5-ACRE PARCEL Highway 101, Cannon Beach Own a piece of Oregon homesteading history that has been in the seller's family for generations. Located near the spectacular Arcadia Beach with its unspoiled, tranquil beauty. CMLS#15-1312 \$265,000 Kate Merrell 503-739-2324 Darel Grothaus 503-717-2814</p>
 <p>NEW LISTING BEACH GETAWAY IN PRIVATE QUIETUDE 321 N Ocean Ave, Rockaway Beach Running creek & views of the woods, yet just a few minutes to the beach and all town amenities. Unique custom home, two fireplaces. Much more. FORE DETAILS CALL 1-800-784-9541 EXT 490 CMLS#16-9 \$245,000 Jackie Weber 503-440-2331</p>	 <p>2+ ACRES HIGH ABOVE CANNON BEACH Seascape Drive, Cannon Beach Here is your opportunity to build your ocean view dream home. Secluded yet close to the beach, midtown shops, galleries, restaurants. Surrounded by trees, the sounds of breaking waves, elk, deer, eagles, native flora and fauna. CMLS#15-375 \$215,000 Karen Meili 503-440-5806</p>	 <p>CANNON BEACH RIDGE CONDO 420 Elk Creek Rd #201, Cannon Beach Quiet 2BR/1BA located minutes from Haystack Rock and downtown Cannon Beach. There is plenty of off street parking; with an additional gravel parking lot and gravel pathway to your front door! CMLS#15-373 \$209,000 Tina Chapman 503-440-9957</p>

CANNON BEACH OFFICE
255 N. Hemlock, Ste. B1 • Cannon Beach, OR 97110
800/676-1176 • 503/436-1027



GEARHART OFFICE
588 Pacific Way • Gearhart, OR 97138
800/275-7773 • 503/738-8522

Serving the Entire North Oregon Coast • www.WindermereOregonCoast.com