

Smith will undergo further mental exams

Defense argues she is not fit to proceed with murder trial

By Kyle Spurr
EO Media Group

Jessica Smith will be evaluated further to determine if she is mentally unfit to proceed in her murder trial.

Clatsop County Circuit Court Judge Cindee Matyas said Thursday, Jan. 14, she has not observed any unusual behavior from Smith in court, and found her attentive, focused and cooperative in a videotaped evaluation with a state-hired psychologist.

But the judge ordered Smith to be independently evaluated by a state or private expert based on the defense expert's claims that Smith has severe mood changes, abstract thinking and reasoning and untreated mental health issues.

"I have really no option but to conclude that the question of the defendant's fitness to proceed has been raised to where I find it appropriate to have an evaluation of the defendant," Matyas said.

Matyas will consider recommendations from the defense and prosecution before making her decision on an expert in the next couple of days.

The evaluation process could take up to 60 days. A hearing scheduled next month was postponed until April. The trial is still scheduled for late June.

Smith, 42, is accused of drugging and drowning her toddler and attempting to kill her teenager in Cannon Beach in July 2014. She recently told the state-hired psychologist she had "little to no memory of the events of July 31, 2014."



JOSHUA BESSEX/EO MEDIA GROUP

Jessica Smith is led into the Clatsop County Courthouse for a hearing Thursday, Jan. 14. Judge Cindee Matyas ordered her to undergo more mental health evaluations.

Matyas said in court last week she would prefer to have Smith evaluated by a psychiatrist or psychologist already involved in the case, or agreed upon by both parties. She will also research having Smith evaluated locally, if resources are available in the county.

Smith's defense lawyers William Falls and Lynne Morgan raised concerns in a court filing earlier this month about Smith's ability to aid and assist in her defense. The lawyers said Smith suffers from a mental disease and is unfit to move forward. They asked the court for a competency examination of Smith and then a determination of Smith's fitness to proceed.

"Our first concern is for Ms. Smith to get the help we feel she really needs," Morgan said in court Thursday. "That's our first concern."

Morgan claims Smith does not appear to have a rational understanding of the proceedings against her. Her mental disability prevents her from rationally comprehending the evidence against her and impairs her ability to make a reasoned choice among the possible alternatives presented in the case.

At a court hearing Thursday, Jan. 14, Judge Matyas said she was surprised to see the defense's request at such a late stage in the criminal case.

The trial is scheduled for late June.

She agreed to set another hearing to make her determination.

District Attorney Josh Marquis responded in a motion by pointing out that the defense counsel has represented Smith for almost 18 months, yet has never raised an issue of their client's competency to proceed until now.

Both parties agreed that previous talks about a settlement conference will be put on hold until Smith is evaluated.

A status hearing to address the results of Smith's evaluation was set for late March.

Tsunami prep

Prep from Page 1A

the tsunami and buildings, cars and other objects deposited by the tsunami — will prevent easy access to the barrels.

"Less than 20 percent of the survivors can reach a cache site in a reasonable or safe time," Wierson said in a letter to the committee.

"The highway will have a tremendous amount of debris," he told the committee during the meeting. "It's going to have to be taken out, and it will take a tremendous amount of time."

The highway overpass at Sunset Boulevard may collapse, and some substations might be destroyed, he added. For awhile, only experienced hikers might be able to reach the caches on the north side, at Elk Creek Road in midtown and at South Wind in Tolovana, where an emergency shelter is planned eventually.

In a 2011 study, it was determined that, if a tsunami hit Cannon Beach on a summer day, 6,729 people might reach the 10 assembly sites.

The study was conducted by Harry Yeh, an Oregon State University professor of civil and construction engineering with a specialty in tsunami-related hazards. Yeh reached his conclusions by using a computer model of where residents and visitors might be when the tsunami arrives and how long it would take to reach the nearest assembly area.

Yeh estimated that the three most populated assembly areas would be at the Cannon Beach Bible Church on Hills Lane along with nearby Spruce Street; Arbor Lane, reached by a combined total of 1,980 people; mid-Tolovana at Surfcrest Street east of the highway (1,582 people); and Eighth Street and Ecola Park Road on the north end (1,015 people).

Other assembly areas are at Yukon Street and milepost 30 (880 people), the highway at Tolovana Mainline Road (549), east Sixth Street and Old Cannon Beach Road (357), Haystack Heights and East Chinook Street (357), Elk Creek Road east of the highway (200) and Sunset Boulevard at the highway (100).

The committee is considering establishing an assembly "super site" just south of the Bible Church on Oregon Department of Transportation property between the church and Arbor Lane.

The committee decided to focus initially on preparing the first three assembly areas to make sure they are safe and that temporary shelters, water, food and communications are available.

But committee members said an overall plan is needed that shows how the cache sites and the assembly areas are to be used and what supplies are needed. More people also should be recruited to fill vacancies on the committee and to help out in local neighborhoods, they said.

"I've been getting a little frustrated; we seem to be going in circles," said committee member Paula Vetter.

The group discussed how difficult it was to coordinate the emergency preparedness committee's efforts with other groups in the city that also are preparing for disasters.

"Somehow, we need to get the city, the committees and the volunteers all on board," City Manager Brant Kucera told the group.

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