

Smith murder trial delayed until to summer 2017

Psychologist could not determine whether Smith is mentally fit

By Kyle Spurr
EO Media Group

A court-appointed psychologist found accused murderer Jessica Smith suffers from post-traumatic stress disorder, but could not determine if she is mentally unfit to stand trial.

Judge Cindee Matyas agreed Wednesday, March 30, to delay Smith's trial, which was scheduled for this summer, until June 2017, as defense lawyers and prosecutors continue to argue over her mental state.

Psychologist Brooke Howard was hired to independently evaluate Smith based on her lawyers' claims that she is unable to aid and assist in her own defense.

The defense believes Smith suffers from a mental disease, while prosecutors think she is faking. A contested aid and assist hearing is set for April.

"She's malingering and she's faking," Clatsop County District Attorney Josh Marquis said during the March hearing.

Marquis described the psychologist's report as a "giant shrug" since there were no clear findings.

The report could not conclude whether Smith is unable or unwilling to aid and assist, he said.

In addition, the report suggests postpartum post-traumatic stress disorder. Marquis said he is unaware of any treatment for that disorder.

New trial date

William Falls and Lynne Morgan, Smith's defense lawyers, requested the trial be delayed since they claim the case cannot move forward until the issue of her ability to aid and assist is settled.

Matyas agreed and pushed the trial to June 2017, nearly three years after the alleged crimes. Smith, 42, is accused of drugging and drowning her toddler and attempting to kill her teenager in a Cannon Beach resort on July 31, 2014.

Before the contested competency hearing next month, Smith will undergo a Minnesota Multiphasic Personality Inventory test. The test will



Lynne Morgan, right, an attorney for Jessica Smith, sits during a hearing at the Clatsop County Courthouse.

not determine her ability to aid and assist, but Marquis requested the test because it is meant to show if Smith is faking her mental disease.

State hospital stay

In her report, Howard suggested Smith be sent to the Oregon State Hospital for further evaluation. The defense supports the recommendation and believes there is no need for a hearing next month.

"Let's err on the side of caution," Morgan said. "Let's send this woman to the hospital to be observed, to be treated, to be made competent."

Marquis warned against an

indefinite stay at the state hospital. The clock starts ticking, he said, and after three years the defense can move to dismiss the entire case.

Ultimately, Howard's report says it is up to the "trier of fact," or the judge, to decide if Smith is fit to proceed based off of expert findings.

Judge Matyas previously stated she has not observed any unusual behavior from Smith in court, but ordered the independent evaluation after considering a defense expert's claims that Smith has severe mood changes, abstract thinking and reasoning and untreated mental health issues.

EMERGENCY PREPAREDNESS

When you flee, what will you need?

By Lyra Fontaine
Cannon Beach Gazette

We know it's better to plan for, rather than panic about, the coming Cascadia earthquake and tsunami. But where do we start?

The city of Cannon Beach and Oregon Office of Emergency Management hosted a Focus on Preparedness in March to educate residents on disaster planning.

"The city is legally responsible for the health and welfare of our residents, so we need to be prepared for any type of disaster," said City Manager and Emergency Management Brant Kucera, citing the powerful coastal storm of 2007.

All top city officials undergo Federal Emergency Management Agency training on how to respond to a disaster in a standardized way, Kucera said. City de-

partment heads lead an executive disaster operations team. The city operations plan is currently under review.

Althea Rizzo, geologic hazards coordinator with the Oregon Office of Emergency Management, provided background on and how to prepare for the earthquake. Off the coast, the Juan de Fuca plate is diving under the North American plate, creating the 600-mile Cascadia Subduction Zone from northern California to British Columbia. Eventually, the stress will cause the rock to break and release energy released as seismic waves, and the ground will shake.

"We've seen other cultures do what we need to accomplish," Rizzo said, citing Japan and Chile's earthquakes. "We're much more resilient than we think we are."

Seven-step system:

- 1 Identify hazards: secure furniture, water heater, hanging objects, overhead light fixtures, and more.
- 2 Create a disaster plan and discuss with family members. Practice the "drop, cover and hold on" drill. Tools for creating a plan include Living on Shaky Ground, oregontsunami.org, and Smartphone apps.
- 3 Prepare disaster kits. Keep emergency food and water, first aid kit, portable radio, batteries, medications, cash and other supplies in a dry, accessible area. Rizzo recommends keeping extra medications or prescription labels in your go-kit.
- 4 Identify and fix weaknesses, including building problems like inadequate foundations.
- 5 Protect yourself during an earthquake. Drop to the floor, take cover under a sturdy table or desk, and hold on until shaking stops.
- 6 Evacuate if necessary: know if you are in the zone. Check for injuries and damage once you're in a safe area.
- 7 Once safe, continue to follow your plan.

PUBLIC MEETINGS

Tuesday, April 5
Cannon Beach City Council, 7 p.m., City Hall, 163 E. Gower St.

Tuesday, April 12
Cannon Beach City Council, 6 p.m., work session, City Hall, 163 E. Gower St.

Wednesday, April 13
Cannon Beach Affordable Housing Task Force, 1 p.m., City Hall, 163 E. Gower St.

Tuesday, April 19
Cannon Beach Public Works, 9 a.m., City Hall 163 E. Gower St.

Seaside School District, 6 p.m., 1801 S. Franklin St.

Thursday, April 21
Cannon Beach Parks Committee, 9 a.m., City Hall, 163 E. Gower St.

Cannon Beach Design Review Board, 6 p.m. City Hall, 163 E. Gower St.

Friday, April 29
Cannon Beach Emergency Preparedness Committee, 10 a.m., City Hall, 163 E. Gower St.

Tuesday, May 3
Cannon Beach City Council, 7 p.m., City Hall, 163 E. Gower St.

Tuesday, May 10
Cannon Beach City Council, 5:30 p.m., work session, City Hall, 163 E. Gower St.

Tuesday, May 17
Cannon Beach Public Works, 9 a.m., City Hall 163 E. Gower St.

Seaside School District, 6 p.m., 1801 S. Franklin St.

Thursday, May 19
Cannon Beach Emergency Review Board, City Hall, 6 p.m. 163 E. Gower St.

Thursday, May 26
Cannon Beach Planning Commission, 6 p.m., City Hall, 163 E. Gower St.

Friday, May 27
Cannon Beach Emergency Preparedness Committee, 10 a.m., City Hall, 163 E. Gower St.

Tuesday, June 7
Cannon Beach City Council, 7 p.m., City Hall, 163 E. Gower St.

Tuesday, June 14
Cannon Beach City Council, 5:30 p.m., work session, City Hall, 163 E. Gower St.

Monday, June 21
Seaside School District, 6 p.m., 1801 S. Franklin St.

Tuesday, July 5
Cannon Beach City Council, 7 p.m., City Hall, 163 E. Gower St.

Tuesday, July 12
Cannon Beach City Council, 5:30 p.m., work session, City Hall, 163 E. Gower St.

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Alaina Giguere
Owner/Principal Broker
c: 503.440.3202
f: 877.812.1126
e: alainagiguere@mac.com

Marty Giguere
Owner/Broker
c: 503.440.7676
o: 503.436.1777
e: mr007@pacifier.com

Egrane Brown
Broker
c: 503.440.1648
e: egranebrown@gmail.com

Jason Wallis
Broker
c: 503-440-7779
e: Jasonwallis@remax.net

Susan Tone
Broker
c: 503.354.4072
e: suanetone@nehalemte.net

Maryann Sinkler
Broker
c: 503.440.9280
e: maryanns@remax.net

Andrea Mace
Broker
c: 503-440-4024
e: Andrea.k.mace@remax.net

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