

Hearing Date: 7/27/21  
Hearing Time: 9am  
Judge/Calendar: presentation of orders

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IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
COUNTY OF Thurston

The Guardianship of Onawa Smith-Wells and  
Raven Smith-Wells,

Case No.: 21-4-00452-34

Minors/Children/Respondents.

**Cover Sheet: Declaration of Probable Cause  
with Police Report**

Please find the attached: Declaration of Probable Cause with Police Report.

Dated this 20th day of July, 2021

BRECKAN LAW PLLC



By: Breckan Scott-Gabriel, WSBA 41585  
Attorney for Petitioner

E-FILED  
THURSTON COUNTY, WA  
SUPERIOR COURT  
07/19/2021 11:16:36 AM  
Linda Myhre Enlow  
Thurston County Clerk

21-1-00676-34

21-1-00676-34  
ADPC 3  
Affidavit of Probable Cause  
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**SUPERIOR COURT OF WASHINGTON  
THURSTON COUNTY**

STATE OF WASHINGTON,

Plaintiff,

NO: 21-1-00676-34

vs.

**DECLARATION OF PROSECUTOR  
SUPPORTING PROBABLE CAUSE**

SELENA URSA SMITH,

Defendant

CAILEN CECIL WEVODAU, Deputy Prosecuting Attorney for Thurston County, declares the following in support of probable cause for charges in the above-entitled cause:

I am a Deputy Prosecuting Attorney for Thurston County, Washington. I have reviewed the attached law enforcement report(s) or investigative material. Based on a review of these materials, there is probable cause to believe the above-named defendant has committed the crime(s) of **RESIDENTIAL BURGLARY-DOMESTIC VIOLENCE, ASSAULT IN THE FOURTH DEGREE-DOEMSTIC VIOLENCE (THREE COUNTS)**

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to the best of my knowledge. Signed on July 19, 2021, in Olympia, Washington.

CAILEN CECIL WEVODAU  
Deputy Prosecuting Attorney, WSBA # 34607



**THURSTON COUNTY SHERIFF'S OFFICE  
INCIDENT REPORT**

**Year-Case Number:** 21-003298  
**Deputy:** Wyatt Blankenship  
**ID Number:** 1P56  
**Date:** 07/17/2021

**Person(s)/Items Entered**

**WACIC:**

**NCIC:**

**Signed Stolen Attached:**

**List other documents attached reference case:**

Recorded Statement- Hans Stroker

Recorded Statement- Kathryn Stroker

**Narrative:**

On 07/17/2021 at approximately 0901 hours, I responded to a custodial interference call at 6945 76<sup>th</sup> Ave NE, Olympia. The calling party, Kathryn Stroker, reported her daughter, Selena Smith, entered her residence without permission and refused to leave. Kathryn reported Selena was there to see her kids who Kathryn had guardianship and told Kathryn law enforcement would have to arrest her in order to make her leave without her kids.

As I arrived on 76<sup>th</sup> Ave, I was flagged down by a male in a jeep. The male identified himself as Hans Stroker, Kathryn's husband and Selena's stepfather. Hans told me Selena did not live at the address, was not invited, and refused to leave. He said Selena had been homeless for some time and he and Kathryn were the guardians to Selena's children. Hans told me he believed Selena would be combative with law enforcement and had already stated she was not leaving unless arrested or with her children.

As I arrived at the residence, Selena saw me enter the residence and immediately picked up her 3 year old daughter, O.S.W. She quickly went into the TV room of the residence picked up her 8 year old daughter, H.S., and sat on the couch. Selena sat on the couch with both children sitting on her lap in front of her as if to use the children as shields. Selena had both girls tightly gripped to her and when I asked her to let the girls go so we could talk about the incident, she refused. Selena told me she would not let the girls go, she did not care what the courts had ruled as they were corrupt, and she was going to take the children with her.

I attempted several times to convince Selena to let the girls go and each time she refused and accused law enforcement of only helping the rich. Selena again said she would not leave unless she had the children and she stated her children hated law enforcement anyway. She then asked H.S. what she thought

about cops. H.S. looked confused until Selena whispered in her ear that they hated cops. H.S. repeated the words and Selena told me law enforcement was corrupt and wrongfully taken her children away. I told Selena that sounded like brainwashing as she clearly told H.S. what to say and Selena became very angry and began to rant about how parents, law enforcement, and ex boyfriends had all wronged her. Selena told me she knew her visitation rights with the children and she had not violated them.

Selena was advised that she was remaining unlawfully and needed to leave immediately. Selena still continued to refuse and due to the danger she presented to the children by squeezing them tightly, she was told she could exit the residence with the children. After continuing to argue for some time, Selena grabbed both children and walked out of the residence and into the driveway where she sat on a curb. Selena still held both children around her chest and stomach tightly as shields against law enforcement. During this time I saw O.S.W. reach back several times wanting to get out of Selena's grip and return into the residence.

Inside the residence, Kathryn provided me with a Superior Court Order for the Emergency Minor Guardianship and Restraining Order. The order stated Kathryn and Hans had emergency guardianship of both children and also stated "law enforcement shall be authorized to assist the petitioners in obtaining custody." I asked Kathryn about visits and she told me no ruling has been made by the court for Selena to have any visits at this time. Kathryn said Selena had a long history of running from CPS as H.S. had gone into the Foster Care System in Colorado briefly. She also told me she had applied for emergency guardianship after the children had been discovered abandoned in New Jersey.

Both Kathryn and Hans stated they had no idea Selena would come to the residence and she had not told them prior she would be there. Kathryn told me she had gone for a walk with her dog that morning and when she returned, Selena was inside the residence with the girls. She was asked to leave and refused. Hans told me he had been working at his desk when he heard the door loudly open and slam. He heard Kathryn return home and asked her what the noise was and she told him Selena had walked into the residence.

Both children were distraught in Selena's arms and were being held tightly to her chest. Selena refused several options to let go of the children and continued to chastise law enforcement for allowing her daughters to be hostages with Kathryn. Probable Cause was determined for Residential Burglary Domestic Violence and with Selena refusing to let go of the children, a plan was devised by myself and other deputies in order to attempt to safely get the children away from Selena.

Selena was asked about being served a writ from the court regarding the children. She replied that she did not recognize the authority of the court and

they could not take her children away from her. Selena was given a final lawful order to let go of the children and she refused. I and other deputies grabbed Selena's arms from behind her as she was seated on the curb. Selena screamed profanities and actively resisted by tightening her grip around both children, not allowing either to be freed. I could see H.S. was clearly distraught and in pain as Selena tightened her grip around her with her right arm.

As I was able to break Selena's grip on H.S. enough for her to get free, Kathryn attempted to grab H.S.. Selena screamed at Kathryn calling her an awful mother and other profanities. I observed Selena kick Kathryn in her right shin with both feet as Kathryn attempted to grab H.S.. Kathryn leapt back in pain before grabbing H.S..

Selena's momentum from kicking Kathryn caused her to fall to her left side where she still had a grip on O.S.W. O.S.W. yelled in fear and pain as Selena laid on her. Selena was told several times she was laying on her daughters arm and to let go, which she refused to do and continued screaming profanities. Eventually O.S.W. was able to be pried from Selena's grip and given to Hans. Selena still actively resisted for several seconds as she was placed into handcuffs.

Selena was read her Constitutional Rights after being placed into handcuffs, however, she refused to answer if she understood them. Selena was placed into a patrol vehicle. During this time Selena stated she was fine being arrested as she could now get an attorney to represent her which she did not have. I went inside the residence to check on the other parties and Kathryn showed me her right shin which had a large mark from being kicked by Selena. I observed a red mark across Hazel's right arm where Selena had been gripping her and on O.S.W. there were several scrapes and marks from Selena holding her tightly and from Selena falling on her. Kathryn told me herself, nor did the children need medical attention. I photographed the injuries from all three.

I provided Kathryn with a victim's rights pamphlet and asked her if she would provide a recorded statement which she agreed to. In the recorded statement, Kathryn recounted how she had discovered Selena inside the residence and asked her to leave. She also explained that Selena had a long history of mental issues and domestic violence. Kathryn said she had not heard from Selena for several months and believed she had been homeless during that time. She also told me Selena had not lived at the residence for several years. Kathryn stated she did want an order against Selena.

I asked Hans if he would be willing to provide a recorded statement and he told me he would. Hans explained that Selena had never liked him and he was surprised to see her that morning. He had asked Selena to leave and she had told him she would not and would need to be arrested to leave. After the statement, Hans told me he could not believe this could happen at his residence.