

E-FILED  
THURSTON COUNTY, WA  
SUPERIOR COURT  
01/11/2022 - 1:59PM  
Linda Myhre Enlow  
Thurston County Clerk

[ ] EXPEDITE  
[X] Hearing is set:  
Date: 1-13-22  
Time: 9:00 a.m.  
Judge/Calendar: O/C Omnibus

SUPERIOR COURT  
THURSTON COUNTY, WASHINGTON

STATE OF WASHINGTON, )  
 ) NO. 21-1-676-34  
Plaintiff, )  
 )  
vs. ) RESPONSE TO PRETRIAL  
 ) SERVICES VIOLATION REPORT  
 )  
SELENA SMITH, )  
 )  
Defendant. )  
\_\_\_\_\_ )

COMES NOW Bruce Finlay, attorney for defendant Selena Smith, and responds to Pretrial Services violation report, which alleges that Ms. Smith has not kept in contact with Pretrial Services. The bottom line is that the failure to contact appears to be non-willful and therefore cannot support a bench warrant. At the very least, the State has not shown that the lack of contact is willful.

CrR 3.2(k)(2) is the rule on point. It states as follows:

**Upon a showing that the accused has willfully violated a condition of release, the court may revoke release and may order forfeiture of any bond. Before entering an order revoking release or forfeiting bail, the court shall hold a hearing in**

**accordance with section (j). Release may be revoked only if the violation is proved by clear and convincing evidence.**

Pretrial Services contacted myself and reported that it was worried about Ms. Smith, who had previously been in reliable contact with them as ordered by the court. I contacted prior defense counsel, Skye Frisons, who said that Ms. Smith had always been in reliable and regular contact with her as well. In the time I have been representing Ms. Smith, she has never even taken a full day to return my contacts. But now I have not heard from her since before Christmas, and neither has anyone else.

I contacted John Smith, Selena Smith's father, to inquire whether she had been in contact with him. He told me that she called him on December 22<sup>nd</sup> and was going to the hospital in Portland, Oregon with a life-threatening infection. He has not heard from her since, nor has her best friend or anyone else, and he is greatly concerned as this is not like Selena. Mr. Smith shared grave concerns for Selena's well-being.

Due to the above information, I contacted the Portland Police Department Missing Persons division by email and reported the facts to them. I have not yet received any contact from the Portland Police.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct: dated January 11, 2022, at Shelton, Washington.

*Bruce Finlay*  
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