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CL17163615

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH

STATE OF WASHINGTON,

Plaintiff,

vs.

ALAN J. SMITH

Defendant.

13-1-01546-8

STATE'S SENTENCING
MEMORANDUM

THIS MATTER is scheduled to come before the Honorable Judge Linda C. Krese
for sentencing on Monday, February 23, 2015 at 1:30 p.m.

I. STANDARD RANGE

This Court convicted the defendant of Murder in the First Degree on February 4,
2015. The Court heard the better part of three weeks of testimony prior to reaching this
verdict. Murder in the First Degree is a level XV offense. The defendant has no prior
criminal history, thus having an offender score of "0". The standard range sentence for
defendant is 240 to 320 months. However, the Court also found that defendant was
armed with a deadly weapon at the time of offense. This finding adds 24 months to

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1 both the top and the bottom of the standard range, for an actual standard range of 264
2 to 344 months. The Court also found that this was a crime of Domestic Violence. This
3 offense also carries 36 months of community custody.

4 5 II. STATE'S RECOMMENDATION

6 The State's recommendation is that the Court sentence defendant to the high end of
7 the actual standard range, 344 months. In looking at the facts of this case it is hard to
8 imagine a more calculated, arrogant and selfish act of violence. This murder was no
9 "heat of the moment" event. Defendant chose a time when Susann would least likely be
10 able to defend herself, and when it was least likely that anyone would witness any part
11 of the act and attempt to intervene. Defendant took multiple steps to decrease the
12 chances that he would leave any forensic evidence for police to find. Further, defendant
13 used his own children as props in his story to police, holding them forth as proof he did
14 not venture out into the night and "kill the mother of his children".
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17 Defendant's arrogance manifested itself in a belief that he was smarter than anyone
18 else, and that if he just planned well enough he would get away with murder. It would
19 appear, from all the evidence in the case, that defendant approached this vicious attack
20 like he would have any problem at work; that is, with enough thought and engineering
21 anything could be managed. The manner in which defendant planned the attack, and
22 the manner in which defendant carried himself in the days immediately following the
23 discovery of Susann's body in the bathtub all demonstrate this. Defendant believed he
24 had thought of everything-coming under the cover of darkness, wearing protective gear,
25 disposing of the various items used in the attack, and having a story he believed could
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1 not be disproved. Ultimately, however, defendant was undone both by various items he
2 did not account for, and by his own unraveling when his "post-Susann" life did not turn
3 out as he had anticipated.

4 The degree to which defendant's selfishness will impact the lives of Susann's family
5 and his children is hard to overstate. In an effort to keep his children from going with
6 their mother to her native Germany, defendant went to great lengths to defame a
7 woman whom all evidence indicates devoted her life to her children and church.
8 Because he feared that the children might be moved to Germany at some point,
9 defendant has essentially orphaned them. The grotesque manner in which defendant
10 treated Susann both during the attack and afterwards by leaving her in the bathtub,
11 speaks volumes as to the disdain he had for anyone's desires or wishes other than his
12 own. The horrific scene that defendant left in blood at the home where his children lived
13 would seem clear evidence defendant thought of no one but himself.

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15 The cold-blooded viciousness of the attack on Susann cannot be exaggerated. The
16 Court saw the damage defendant inflicted on Susann, so it will not be belabored here.
17 However, the location of the injuries, the number of injuries she suffered, the use of two
18 different weapons, and the placement of her in the bathtub once she was completely
19 helpless demonstrates a single mindedness of purpose on defendant's part. The pain
20 and horror that Susann likely suffered in her final moments is disturbing to contemplate.
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23 IV. CONCLUSION

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25 For all of the above reasons the State would request that the Court impose the high
26 end of the actual standard range of 344 months. The State would also ask that the

1 Court impose 36 months of community custody after defendant's release, and impose
2 the standard financial conditions. The State would also ask the Court to order the
3 defendant to have no contact with Kristine Hentschel, Johanna and Werner Hentschel
4 for life. The State would also ask that the Court order no contact with either Noelani
5 Smith and Felix Smith until they reach the age of 18, respectively.
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9 RESPECTFULLY SUBMITTED this 17 day of Feb, 2015.

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12 CRAIG C. MATHESON, #18556
13 Deputy Prosecuting Attorney
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