



OFFICE OF THE
DISTRICT ATTORNEY

Stanislaus County
832 12th Street, Suite 300
Modesto, CA 95354
Mailing address: POB 442, Modesto, CA 95353
Telephone: (209) 525-5550 Fax: (209) 525-5545

Birgit Fladager
District Attorney
Carol Shipley
Assistant District Attorney
Chief Deputy District Attorneys
Jerry Begen
Alan Cassidy
Dave Harris

PRESS RELEASE

For Immediate Release

Date: May 13, 2013
Re: Nicole Leann Smith #1454950

For More Information Contact:

Carol Shipley, Assistant District Attorney
Phone: (209) 525-5550

Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that Nicole Leann Smith, age 31, of Oakdale, was sentenced to 9 years in prison for Felony Child Abuse with an enhancement for Causing Great Bodily Injury or Death to a victim under the age of five. Deputy District Attorney Annette Rees prosecuted the case for the People.

On December 11, 2012 the victim, 44-day-old Dahlia Smith, was unresponsive at her home in Oakdale, California. The Defendant is the infant's mother. Alan Smith, the Defendant's husband, returned home at approximately 5:00PM, picked up the baby who vomited and was then unresponsive. Mr. Smith is not the baby's father. Dahlia was rushed to Oak Valley Hospital but did not respond to emergency efforts to revive her and she was pronounced dead. An autopsy on December 12, 2012 was inconclusive until toxicology results were received on January 11, 2013 that revealed toxic levels of methamphetamine in the baby's blood. Dr. Baik, the Stanislaus County pathologist, determined that the cause of death was Aspiration due to Methamphetamine Intoxication. The Defendant is a known drug user and admitted to feeding the victim both breast milk and formula.

Smith's attorney argued for a suspended sentence and a grant of probation for his client who wrote to the court that she never intended to hurt her baby. Ms. Rees argued that the Defendant has been granted probation and treatment programs previously and continued to abuse drugs with complete disregard for the safety of her child. "She told the Detectives that she stopped breast feeding when she inadvertently drank coffee laced with meth. She obviously was very conscious of the risk. Her only interest was her daily use of methamphetamine."

The Honorable Nancy Ashley sentenced Smith to the mid-term of 4 years on the felony child abuse and 5 years on the enhancement, for a total of 9 years in state prison. This is a strike offense and does not qualify for realignment, or enhanced credits. The Defendant must serve 85% of her sentence before she is eligible for parole.

###