

Evidence presented in child sex case; defendant bound over for trial

By Amy Macavinta | Posted: Wednesday, April 2, 2014 11:45 pm

Judge Brian Cannell heard evidence today in a sexual abuse case involving a former reserve law enforcement officer charged with rape of a child, object rape, aggravated sexual assault, aggravated assault and contributing to the delinquency of a minor.

Cody C. Smith of Logan, 39, was arrested in March. Court records say he not only engaged in inappropriate sexual activity with the alleged victim, he also facilitated sexual activities between her and four other individuals.

The victim was put on the stand Wednesday during Smith's preliminary hearing, where she was questioned by attorneys about the events that allegedly took place over a two-year period, beginning when she was 13.

According to her testimony, Smith at times hoped she would become pregnant, and at other times, provided her with birth control.

Some of the alleged physical assault took place in the form of "mercy" games between her and Smith — games she did not enjoy, she said.

"He wasn't trying to hurt you; you were just playing a game, right?" attorney Shannon Demler asked the victim.

"Yes," she said, quietly.

Prosecutor Barbara Lachmar submitted numerous documents to the judge that included the written statements of several others involved in the case.

After reviewing these documents in chambers, Canell ruled there was sufficient evidence to bind Smith over for trial.

In the meantime, Lachmar has made a formal request to raise Smith's bail from \$80,000 to \$300,000. In her motion to the court, Lachmar states there are reasons to believe his release would present a danger to the five minors involved, the community and to Smith himself, who has reportedly stated he would commit suicide if his alleged actions were reported.

A bail hearing has been set for April 17 where that motion will be discussed. Smith will remain at the Cache County Jail at least until that date.