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TO: MEDIA RELEASE

FROM: Michelle Branam, District Attorney

DATE: February 22, 2016

SUBJECT: Jillian McCabe plead guilty to the charge of Murder and received a life sentence

I. FACTUAL BACKGROUND

A. Crime Details

At 6pm on November 3, 2014, Jillian McCabe drove her 6yr old autistic son, London McCabe, to the Yaquina Bay Bridge. She parked the car. She walked him to the center of the bridge and threw him over. Autopsy reports indict that the fall did not kill London. He suffered broken bones from the impact of the fall then, ultimately drowned. Jillian McCabe walks back to her car and calls 911. She claims that she hears voices that tell her to do things like harm herself and her child. She talks with detectives for hours and explains that she understands that she will be going to prison. She says now her husband, Matt McCabe, will be free of her and London. She said that Matt thought of her as a burden and London as an obligation, but now he will be free (see letters provided).

At first blush, the case appears to be a tragic story of a mentally ill mother who snapped. Upon further investigation, the Major Crime team of Lincoln County found that Jillian McCabe was very calculated in her planning of this homicide. Her cellphone history reveals weeks of planning on how she would murder London. She planned how she would get away with it. Jillian McCabe had a plan to be committed to the State Hospital after she murdered London. (see exhibit #1 phone records). She was expecting, like Andrea Yates, she too would be found insane at the time of the offense and get sent to a mental health care facility (see handwritten letter, and cell phone searches: Andrea Yates, her

hallucinations and hospital were searched 60 times in the last month)

B. Family Biography and Back story

Jillian and Matt McCabe were married in 2005. They lived in The Dalles Oregon. Matt had a successful career in the IT field. Jillian did not have to work. They had London on September 21, 2008. Jillian was a stay at home Mom. Matt will report that although he had a full time job he was responsible for caring for London. He was the primary care provider if he was not at work. On March 15, 2011, London was diagnosed with Autism. London was not hitting communication and development benchmarks.

On November 11, 2013, Matt is admitted to the hospital with MS like symptoms and is diagnosed with a tumor and lesion on his brain stem. He nearly dies. As a the result of the surgery and condition, Matt suffers brain damage. Matt does not get released from the hospital until January 14, 2014. When he is released, he must walk with a walker and learn to talk and read again. He is no longer able to hold a job and has years of physical therapy and cognitive therapy to regain normal brain function. During this time, Matt reports he remains the primary care provider for London. Unless family or other friends offer to take London or help with him at the home, Matt is still the responsible party for the care of this recently diagnosed child. Jillian's mother, Joanna Olsen, came to the house to help during this time.

On February 7, 2014, Jillian claims an attempted suicide. This was never confirmed and she denied this attempt to medical providers. On February 14, 2014 Jillian threatened another suicide attempt. Her Mother-in-Law, Reitha McCabe, was at their home in The Dalles helping Matt with recovery and care for London. Jillian was admitted voluntarily to a care facility following a report by the family that she was suicidal.

Upon release from treatment, Jillian returns to live with Matt and London. On April 2, 2014 she returns to care. Matt's paternal Aunt and Uncle Tanya and Ron McCabe help to care for Jillian. Due to Matt's condition and London's age, they decide to move in with Matt's parents, Dan and Reitha McCabe

in Seal Rock, Oregon. Matt needed the help to care for London and to rehabilitate himself. This is the time that Jillian starts asking to be sent to the State Hospital or Prison so she will not have to be homeless or take care of herself. She is told that her symptoms do not rise to the level requiring State Hospital level care.

On April 16, 2014, Jillian was released from care and moved to Portland to live with Ron and Tanya McCabe. Jillian did not want to move in with Ron and Tanya. She wanted to move back with Matt and London to The Dalles. Matt did not feel comfortable having Jillian live with him and London. After living in Portland for a short time, on April 24, she wrote what appeared to be a plan to kill Tanya. She planned to wait until Ron left; she would kill the dog if Tanya yelled and bludgeon Tanya to death. She would burn the house down to cover up the crime. It should be noted that the letter was located next to a hammer and kettle ball staged for the act: Jillian was sitting on her bed fully clothed and awake at 3am. The police were called. Also relevant, Tanya McCabe is confined to a wheelchair and had recently had carpal tunnel surgery on both arms. It would have been highly unlikely she could have fended off such an attack (exhibit#4).

Once the plan of attack was discovered, the family insisted that Jillian be committed legally. Initially, Jillian contested the commitment and claimed that she was only journaling a dream and she would never hurt Tanya. Ultimately, Jillian agreed to a voluntary commitment that would last six months (A voluntary commitment could be rescinded at any time). Jillian was ordered to have 6 months in-patient treatment. She was sent to treatment (she was hoping for the State hospital. She was disappointed that she did not qualify for that level of treatment) and released for home visits inside of 3 months and released to her family 2 months early. When she has home visits, the agency has a safety plan to keep Jillian from being alone with London but she convinced the mental health staff she was not a danger to herself or her family. The Family reports that the transition caseworker never mentions to Matt or Reitha that Jillian has thoughts of harming anyone. Jillian returns to Matt and London on September 3, 2014.

The family was living with Dan and Reitha McCabe in Seal Rock, Oregon. Jillian refused to allow Reitha or Matt access to any of her mental health records. The family reports that they have never heard that Jillian ever contemplated hurting London. It is clear that Jillian actively concealed any reports that could provide information to Matt that London was in danger.

On October 5, 2014, Jillian searches 'can you die falling 133 ft in water'. She continues her journal writing during this time as well. She says voices tell her to kill herself. She writes that she must stab London and that she must do it before Thanksgiving. Matt's family was not going to have Thanksgiving because his extended family was afraid of Jillian. She threatens to kill Tanya and reports trying to kill herself several times. Jillian was extremely embarrassed by having the family know she had done these things. She was upset that this information had been shared with the family. Some of the McCabe family did not want to come to the Coast for the Holiday because she would be there.

Jillian lived on the Coast for exactly eight weeks before the murder. The family encouraged her to start planning for her future. They wanted her to become more independent. They tasked her with assisting the family in getting London potty trained and learning to communicate through picture cards. The family had been having success with these things prior to Jillian coming to live with them. London had been attending school and making strides. The family reports, initially, that Jillian is happy to be with them .

During the time she spent at Seal Rock, Jillian researched many ways she might kill London. She searched stabbing, drowning, and dropping from a 133 ft. fall (the height of the Yaquina Bay Bridge). The searches she conducted that might be the best indicator of her intentions were her repeated searches involving Andrea Yates. There were more than 60 different searches involving Yates and the defense she presented in Court, in the last 4 weeks of London's life. She searched the mother that threw both her children off the Selway bridge in Portland (please refer to the enclosed phone searches). The searches morphed into discussions of legal standards for insanity defense. Cell phone searches included

“restoration of competency” and discussion about criteria to be committed to the State Hospital. Jillian’s fascination with how Andrea Yates committed the murders and was sent to a hospital was evident. She journaled that she feels like she has so much in common with Yates and she will be sent to the State hospital after she carries out her plans (see exhibits).

The day before London’s death, Jillian asks Matt a strange question. As they are returning home from Newport heading south on highway 101, she asks Matt if it would be ok if she parked next to the bridge. She, out of the blue, asks if she could park at a location where the next day she would park and walk London out on the bridge. That day, Reitha had been away on a trip and Dan was home. Matt was the driver for the family. From the time she moved to Seal Rock from treatment until the day of the murder, Jillian did not drive London anywhere. Matt took the family anywhere they needed to go. During this time, Jillian was not normally alone with London.

November 3, 2014, was a day like no other since Jillian moved in with the McCabes. She had not driven London anywhere alone. Reitha McCabe was away when she was normally at the home in the evenings while Matt would leave. Matt decided to take some time for himself this evening and went for a drive; Jillian found herself in a unique position. She was nearly alone with London. Dan McCabe was not as observant as his wife or Matt. The family had also decided Jillian must start being more independent. When Jillian started to leave with London, she told him she was taking him for ice cream. If Reitha or Matt had been home, Jillian would have been questioned about this behavior, since she had not driven with London in months. She had been searching the internet on how she would kill London and written how she was going to do it; now she had her opportunity. The two people that would have stopped her were away.

Jillian had her first real opportunity to carry out her plan. She did not hesitate. She put London in the car, without a car seat (something that may have slowed her down in carrying out her plan). She went to get ice cream then straight to the pull off she questioned Matt about the day before. She parked, and

started walking with London. She took his hand and led him to the center of the bridge. She had to maneuver around a couple of men walking on the bridge as well. They report they saw no sign of distress, Jillian moved out of their way and they were able to see her face. She seemed normal to them. The walk to the middle of the bridge would have taken several minutes, plenty of time to change her mind. Before she took London to the bridge she talked to her Mom. Jillian made no calls to Matt, 911 or the crisis worker hotline or any mental health workers. Jillian reports that she lifted London to throw him over but changed her mind, put him down turned, and walk back to the car. Instead of returning to the car, she lifted him again and pushed him over the bridge. She said she did not look back but heard the splash (she later reveals that she scared him). She reports that she said only "sorry" to him as she lifted him over. This is an eerie parallel to the Andrea Yates story.

After she throws London in the Bay, she walks back to her car and calls 911. She tells the police that the voices told her to throw London over and to jump over herself. She tells law enforcement that she wrote Matt a letter last week that they would find in her purse in the car (see exhibit #2, that appears to have been written a week prior to the murder). She also reports that she has a journal in the purse as well (see exhibit #3). The State believes that, Jillian was hopeful that her family and Matt would believe that her actions were the result of a mental illness. When it suits her Jillian is able to ignore the "voices", for example when they say she should jump off the bridge, she ignores them. When she cannot fend off the voices, she throws London off the bridge.

Her Aunt and Uncle have called her an actress. Matt says she can show anyone what they want to see. The treatment providers and facilities she has received care from, gave her a clean bill of health when was discharged. She is 'cured' every time she leaves treatment. This process infuriates Matt since as soon as she is home and required to care for herself or London she has an 'episode'. Matt insisted that it was because the mental health providers were not adequately caring for Jillian. He thought they were letting her down by discharging her. He did not realize that she was able to present to the mental health

providers as a person with no symptoms of mental illness. No treatment provider will keep a person if they are showing no signs of mental illness. Jillian is able to do just that, when it suits her, she can fabricate the symptoms. When she hears that she may be restricted from something she may want, she turns off the symptoms. Matt reports that he has never seen Jillian interact with the “voices” she claims to hear. He has never seen her attempt suicide. She simply reports to him that these things happen.

II. THIS IS A CASE OF PREMEDITED MURDER

The searches show a clear and deliberate plan. Weeks prior to November 3, Jillian was seeking ways she might kill London and be sent to the State hospital. She obsesses about this murder. She writes about it (see journal). She plans the time it will happen (see journal). Jillian seizes the one opportunity in the eight weeks leading up to the death where she is left relatively unsupervised. Matt and Reitha were out of the picture at the same time. She grabbed London and did not delay the plan to put in the car seat or grab a coat. Jillian needed to get London to the bridge before someone intervened. Jillian’s cell phone records show no phone calls to the crisis line or to Matt. While she agreed she would tell someone if she thought she might hurt someone, she didn’t call anyone. Based on the searches on her phone, you could surmise Jillian planned to murder London by throwing him off the bridge and to get committed to the State hospital. These searches show premeditation.

A. JILLIAN NEVER TOLD MATT OR THEIR FAMILY OF CONCERN FOR LONDON SAFETY

Jillian was so careful about what she discussed with Matt. She appeared to tell Matt everything. When she claimed to hear voices, she told Matt that they told her to kill herself. She said she heard demonic voices and saw faces in the mirror. She talked about voices and her depression. She NEVER discussed the voices instructing her to hurt London. She was very careful to keep this information from Matt and his family. Matt says he was not allowed to access her medical records. She also blocked

Reitha McCabe from reading any medical or mental health reports.

When Matt was asked why she would keep something like her medical condition from him, he responded "because I'd tell the Mental Health People and they would take her away". She would not be allowed to be around London. This is something she knew. Their history indicates that Matt did call 911 and have Jillian removed when she was erratic several times. She was restricted and only allowed to return when there were no symptoms. She searched and researched how to kill London and yet no discussion with Matt. She agreed in her safety plan that if she thought she might hurt London she would tell Matt. For weeks, she journaled about killing London, but still no discussion. Lastly, she reported that she wrote a letter to Matt (exhibit #2). This letter, Jillian says, was written a week prior to the murder. It says she will take London away from him and he would be better off without them both. She still does not talk to Matt about these impulses. She does not tell anyone that may be able to prevent her from carrying out her plans. This show that she had a plan and that this murder was premeditated.

B. THE MENTAL HEALTH DEFENSE IS NOT APPROPRIATE

Everyone hopes that this kind of act can be explained by simply saying, the system failed Jillian. If it can be explained by way of mental illness we don't have to leave open the possibility that someone planned to kill their child and then carried out this horrific act. Jillian McCabe searched M'Naughten rule, the legal standard on establishing a "guilty but insane" defense, on 10/25/14....eight days before she killed London. That web page lays out the legal standard of criminal liability in relation to the legal defense. She is searching how her case will be analyzed through the "not guilty by reason of insanity" lens. Chilling as it is, she continues with 7 visits to a Google search of "insanity defense", the last visit is on 10/25/14...again eight days before she kills London. Information in these pages includes, "temporary insanity" and "not guilty by reason of insanity". It is very clear from her searches that she is planning on committing this murder and being found "guilty but insane". Several other searches show this intent but none more than her history with searching Andrea Yates. Jillian was

not legally insane when she searched "threw child off bridge" fifteen times a week before the murder.

Jillian wrote the letter to Matt (see binder, "letter to husband") more than a week prior to the murder. Bottom line; Jillian makes several statements in person and in writing that she knew what she was doing was "wrong". She even put London down on the bridge once because she knew it was wrong. She knew she should go to prison because killing him is wrong. This would defeat any claim of "guilty but insane".

A. THESE WERE DELIBERATE ACTS

With Jillian's journals, confession video and letter following the murder, there can be no doubt that she knew what she was doing when she walked London out on that bridge. She took him to a pre-determined place on the bridge. She searched whether he would die from the 133 foot drop. She took him to the direct center of the bridge, and by self-report, knew he could not swim. She was determined to not let him live. She threw him off while it was dark, making his recovery unlikely. She took the first opportunity she had to take him on her own since moving to Seal Rock. She had been journaling about how she would kill him for weeks. She was searching internet sites for how she could kill him to be sure he died. Lastly and most deliberately...Jillian hid her medical records from her husband and her in-laws. The family was very concerned about her behavior, but was convinced by Jillian and the mental health professionals that she was safe to come home. She was being allowed to leave treatment early and was being brought into the family. Matt says she was very private about her diagnosis and treatment and would not share it with him. He will tell you that he never heard from Jillian or her treatment providers that Jillian thought about harming London. Jillian wrote in journals and searched sites for weeks prior to the killing and actively concealed these impulses from the family. The single incident during the time Jillian was living in Seal Rock that may have been Jillian testing the water on how the family would react if she killed London was when she talked about a dream. She told the family she had a dream that she hurt London or he slipped off the Bridge and died. But when the family reacted in horror, she played it

off as a dream and assured them she had no such thoughts.

B.THERE WAS NO PROVOCATION FOR THIS MURDER

The Defense would claim that Jillian was an overwhelmed wife with a sick husband and kid. She had a child, that all will say was warm, loving and learning, with autism. He was six and not potty trained and he had needs another child may not have. Her husband did have a condition that almost killed him, and he lost his job. She no longer had the life she dreamed of having. These stressors were alleviated quite a bit when the in-laws agreed to take Matt and London into their home. They offered a no rent place and took a primary care role in raising London. They all assisted in creating a plan to help London develop in the best way they knew. At the time of the killing, Matt remained the primary care provider to London. He drove him to school and made sure they both made their medical appointments. Jillian's sole responsibility was to assist 3 other people to help potty train London. The McCabe family was devoted to assisting Jillian in her recovery.

C. JILLIAN WAS DANGEROUS TO OTHER PEOPLE

1. Jillian formulated a plan to kill her Aunt Tanya McCabe, in the Spring of 2014. Jillian planned the execution of a wheelchair bound woman who had limited use of her arms. While she lived with this family, she placed a handwritten note explaining how she would bludgeon Tanya while she slept and burn the house down to conceal her actions. To show additional evidence of her plan, she placed a hammer and kettle ball outside the bedroom of Tanya McCabe. She wrote how she would kill Tanya's dog if Tanya yelled while Jillian carried out her plan. The note surely shows her intent and capacity to follow through with this plan. Additionally, this was the same way she planned and plotted to kill London and we see she was able to follow through with that plan (see State's #4).

2. JILLIAN WAS ABLE TO CONVINCED MENTAL HEALTH PROFESSIONALS THAT SHE IS SAFE TO RELEASE

Jillian has convinced mental health professionals, when it is convenient to her, that she is asymptomatic. In each of her "episodes" she convinces her family members that she is suicidal. She is taken in to have treatment and convinces the treatment providers that she has gained the skills she needs and is ready to be returned to her life in short order. By her own admission, she researches ailments and symptoms of the ailments and assists in the diagnosis for the treatment providers. She tells people what she thinks they want to hear or what will serve her goals at that time. When she wants to get into the State Hospital she leaves a murder note. When she wants to go home she reports to friends, "no voices for weeks".

Matt will say that Jillian wanted to appear to be the perfect Mom, wife, etc...but when she fell short of that she needed to find something else to blame. Jillian wanted a life where she did not have to work and someone would take care of her. When Matt was unable to give her that life, she looked for that in the "System". In each situation, when Jillian is ready to go home, she is able to convince mental health professionals that she is safe. She is smart and calculated and still convinced she would now be sent to the State Hospital, and maybe one day when she is "cured" be forgiven by Matt and his family.

D. JILLIAN SHOULD BE SENTENCED TO PRISON

Jillian rightfully received a life sentence; she pre-meditated the murder of her son. He was completely trusting. He was defenseless against her. She took him to a location where there would be no chance of survival. She was planning his murder for weeks and concealed this fact from her husband. London trusted her. He would not even have struggled when she lifted him up to throw him over. He was her perfect victim. She knew Matt and his family would have prevented this. This is why she refused to allow either of them to have access to her medical reports. They would have learned that she

had thoughts of killing London as early as June, 2014. Matt was recovering from a nearly fatal condition and she takes his most precious thing from him. There is evidence that she did it to get Matt's attention back on her.

Jillian is educated; she had a supportive family and husband. She had a home and was not a substance abuser. She had a close relationship to her parents. Matt, while unable to bring home the lucrative income he once did, provided a home through his family. They would not be rich but not on the street either. Lastly, this was a killing for which Jillian has yet to show any remorse. She was happy in the early days of her incarceration. She talks about all of the books she gets to read. She does not mention London for months. She mourns for herself, not London. She talks about being the "old Jill", again but never cries about losing a son.

This was a premeditated murder. Jillian concealed her plan to murder London.