

AK42997-0100

COMMONWEALTH OF VIRGINIA
31ST JUDICIAL DISTRICT
JUVENILE AND DOMESTIC RELATIONS COURT

Cheri Smith
Petitioner

v. Wesley C. Smith
Respondent

Spouse
Relationship

AFFIDAVIT FOR PRELIMINARY PROTECTIVE ORDER

I MAINTAIN THAT MY HEALTH AND/OR SAFETY IS/ARE AT RISK AND REQUEST THE COURT ISSUE AN EX-PARTE PRELIMINARY PROTECTIVE ORDER PURSUANT TO THE PROVISIONS OF SECTION 16.1-253.1 OF THE 1950 CODE OF VIRGINIA, AS AMENDED. I FURTHER MAINTAIN THAT THIS ORDER OF PROTECTION IS BEING SOUGHT WHERE EITHER OF THE ABOVE NAMED PARTIES HAS HIS OR HER PRINCIPAL RESIDENCE OR WHERE THE ABUSE OCCURRED. (16.1-243)

My husband and I were married on November 23, 1988 in Salt Lake City, Utah. There has been one child born from our marriage, Liam Smith, age five.

My husband has been physically and verbally abusive during our marriage.

The most recent incident of abuse occurred in June 2001 when he bruised my upper arm while forcing me out of our son's bedroom.

Wesley has been verbally abusive for the past six months and it has gradually escalated up to the present time. He has not responded to requests for mediation or to settle living arrangements through third parties. His stated purpose in the last four weeks has been to force me from our home and gain sole custody of our son by threats and force rather than mediation or legal mean. He has threatened on several occasions, to myself and to others, to take our son and leave the state. He has been unemployed for the last nine months and has only recently begun looking for a job. He has gotten increasingly agitated and angry and intense in his attacks. He has not touched me recently but because of his history of hitting, pushing and holding and his anger, I have been worried that he will hurt me or my son. This prompted me to get in touch with Turning Points.

On September 17, 2002, I left the house with my son because he was yelling and coming towards me. He later put my things in the driveway of our home. The police accompanied me back to the home to get some things for my son. He was angry and belligerent with the police. On September 18, 2002, I left my son with a friend and my husband called the police. The police advised me to file a protective order.

I need a protective order to protect my son and I from my husband's increasingly abusive behavior which he is using to try to force me from our home. He has been increasingly angry and has been directing his anger and aggression towards our son, who has Down Syndrome and has recently begun acting out at school as a result. My husband has a lock (with a key) on his bedroom door and has on several occasions taken our son in the room and locked the door so I did not have access to him.

THE STATEMENT ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PETITIONER

Cheri Smith

SWORN/AFFIRMED AND SIGNED BEFORE ME THIS 18th DAY OF September 2002

INTAKE OFF ICER

[Signature]
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OBO
SP Rogue