

**VIRGINIA:**

**IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY**

**CHERI SMITH,**

**Complainant,**

**v.**

**WESLEY C. SMITH,**

**Defendant.**

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**Chancery No. 53360**

**DEFENDANT MOTION FOR CONTINUANCE**

**COMES NOW** the Defendant, Wesley C. Smith (“the Husband”), and requests that this court grant him a continuance in the above matter which is set for trial on October 5<sup>th</sup> and 6<sup>th</sup> 2004 and in support of this request represents the following facts:

1. September 13, 2004 at a hearing concerning the Defendants’ request to take funds from the escrow account, the court approved a verbal motion by the Defendant’s counsel to withdraw, and then set a trial date of October 5<sup>th</sup> and 6<sup>th</sup> over the objections of the Defendant.
2. The Pendente Lite order had the Defendant taking vacation with the child from September 13, 2004 until September 27, 2004, thus reducing the amount of time for the Defendant to prepare to handle the trial, pro se, to only five weeks.
3. The Defendant has ADD and as thus needs more time to prepare than other people.
4. There are significant unresolved issues such as Fifth Amendment claims, inadequate discovery responses by the Plaintiff, unethical conduct by the Plaintiff’s counsel, and inadequate preparation by the GAL. These issues require significant additional preparations above those needed for divorce, custody, and equitable distribution.
5. It appears that the court has consistently held claims by the Defendant to a higher

