

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

CHERI SMITH,)
)
 Complainant,)
)
 v.) **Chancery No. 53360**
)
 WESLEY C. SMITH,)
)
 Defendant.)

**DEFENDANT MOTION TO RECONSIDER/REHEAR/VOID OR OTHERWISE
THROW OUT UNCONSTITUTIONAL ORDER ENTERED SEP 23, 2004**

COMES NOW the Defendant, Wesley C. Smith, and requests that this court reconsider is order entered September 23, 2004 and states as follows:

1. The Defendant became pro se the Friday before the motion by the Plaintiff was held.
2. Ms. Vardy scheduled the motion For August 17 2004 during the Defendants vacation out of state with the child per the court ordered timeframe vacation.
3. The Defendant requested a continuance from Ms. Vardy and the Court.
4. It is unreasonable for Ms. Vardy, Mr. Fahy or this Court to pretend they are acting in “the best interests of the child” then scheduled hearings that if the Defendant attended would require the child to wait one year before he got another week vacation period with the Defendant. The child should not have to miss out on vacation with family and be put in day care instead of Ms. Vardy selecting a more appropriate time for the hearing.
5. It’s indicative of his representing Ms. Smith not Liam Smith that the Guardian ad Litem did not object to the scheduling and request a continuance for his “client”. In fact he did the opposite and claimed it was ok to proceed without the Defendant, yet when Ms. Vardy did

not show for a hearing he argued for continuing, as she might not have been properly served. How could he know she didn't get served, if he talked to her by phone then she had the same notice I received for this hearing.

6. On June 23 2004 the Defendant had motions to be heard and the Plaintiff simply did not show up without prior notice and the court instead of ruling in my favor continued the hearing – and in fact most of the motions still remain unheard while later motions of Ms. Vardy's have been heard.

7. On August 17th 2004 the Court went ahead with the hearing and ruled against the Defendant on grounds that he wasn't there. This appears to be biased action considering that the court didn't do that when the Plaintiff failed to appear on June 23 2004.

8. The Defendant had notified the court there were significant issues with the Plaintiff's motion, including constitutional issues and the fact the Plaintiff has done very similar actions to those she is accusing the Defendant of.

9. The ruling by the Court is an obvious unconstitutional prior restraint of free speech and should never have been made, with or without the Defendant being there Issuing such an obviously illegal ruling while the Court knew the Defendant would be out of state, appears to be improper to the point of questioning the professional ethics of the court, not just its legal interpretation.

10. The Court nor Ms. Vardy or Mr. Fahy should need any legal advice from the Defendant to know the court simply does not have the legal justification to issue the relief requested, but that Ms. Vardy should have know better and that requesting such relief was a violation of the rules of the supreme court of Virginia and can in no way be considered a reasonable request. If any party is unaware of this and wishes to take legal advice from a

computer programmer, then I'd suggest they study the U.S. Constitution and SHAWN S. SUGGS v. ANDREW O. HAMILTON ruling from the Washington state Supreme Court July 8, 2004.

11. The Defendant finds is quite alarming that this Court would hear evidence of the Plaintiff committing adultery, exposing our son to her lover and having him spend the night in a one bedroom apartment with our son, setting a poor moral example for him, when her actions are against the laws of Virginia and not even give her a verbal reprimand, then follow up its negligence in protecting our son, by violating the Defendants rights by ordering him keep his mouth shut and attempt to force him to be a partner in hiding her selfish illegal immoral acts.

12. Rule of law is a very important part of our county, when the courts ignore the laws they diminish the respect and authority of the courts.

13. The Plaintiff, Ms. Vardy, and the Court should be ashamed of the actions in this case.

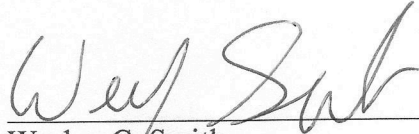
WHEREFORE the Defendant requests the Court to take whatever action is needed to get dispose of this order and to remind the Plaintiff that while the court has trampled the constitutional rights of both the child and the Defendant that the court is at least going to uphold the first amendment rights of the Defendant. A written apology by the court and an order for the Plaintiff to do likewise would be appropriate.

**Respectfully submitted,
WESLEY C. SMITH
Defendant**

Wesley C. Smith
3215 Ridge View Ct. Ap 104
Woodbridge, VA 22192
(703) 220-2637
Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing motion was served to Loretta Vardy and Ronald Fahy (GAL) via first-class mail and/or hand delivered, this 25 day of Oct, 2004.



Wesley C. Smith.

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Complainant,)	
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v.)	Chancery No. 53360
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Defendant.)	

PRAECIPE

THE CLERK will kindly place the attached motions on this Court's docket for
Wednesday, Nov 3, 2004 at 10:00 a.m. for hearing or as soon thereafter as this matter may be
heard.

Wesley C. Smith
3215 Ridge View Ct. Ap 104
Woodbridge, VA 22192
(703) 220-2637
Defendant, pro se

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing motion was served to Loretta Vardy and Ronald Fahy (GAL) via first-class mail and/or hand delivered, this ____ day of ____ October _____, 2004.

Wesley C. Smith