

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

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

#34 - DEFENDANT’S MOTION FOR AN ATTORNEY

A pdf copy of this motion is available at: http://www.liamsdad.org/court_case/

COMES NOW the Defendant, Wesley C. Smith, and requests the Court issue an order to allow him to have an attorney to assist him. In support of his MOTION the Defendant states as follows:

1. The Defendant cannot afford an attorney and the court has issued an ORDER TO PROCEED IN CIVIL CASE WITHOUT PAYMENT OF FEES OR COSTS.
2. The Court has issued orders that effectively terminate the Defendants parental rights. The Defendant has been prevented from seeing his son, being involved in his schooling, attending his school events, having any input in decisions made about his son, etc. Under VA law a non-parent can petition and receive greater contact with our son than the Defendant has now.
3. VA law allows/requires the court to appoint an attorney for adults who may be subjected to loss of parental rights by court order - §§ 16.1-266 through 16.1-268 and 19.2-157 through 19.2-163 of the Code of Virginia.
4. Clearly the Defendant may be subjected to loss of parental rights by court order – especially as this has already been done on a “temporary” basis.
5. The Defendant has been diagnosed with ADD and this condition will interfere with his presenting his court case. The court has a Federal legal obligation to make some reasonable accommodations due to the Defendants condition.
6. In order to ensure that all the information needed by the Court to make an informed ruling is presented the Defendant will need assistance in presenting his case. The Defendant will need assistance in ensuring that the appropriate questions are asked and appropriate objections made.

7. The legal assistance provided to the Plaintiff, possibly at public expense, is well above that provided by a public defender.

8. The Defendant would welcome assistance from a court appointed attorney but will not allow one to “represent” him.

9. The parties have an escrow account containing about \$130,000 from the sale of their home that could be used to hire an attorney.

WHEREFORE the Defendant asks that the Court either appoint an attorney to assist (NOT REPRESENT) the Defendant or that the Court provide adequate funds so that the Defendant may hire an attorney to represent him.

**Respectfully Submitted,
Wesley C. Smith**

Wesley C. Smith, Defendant
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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, this 29th day of November 2005.

Wesley C. Smith