

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

CHERI SMITH,
Complainant

v.

WESLEY SMITH,
Respondent

CHANCERY NO. 53360

ORDER

COMES NOW Respondent, Wesley Smith, who requests rehearing of a matter that was before the Court on January 18, 2005.

IT APPEARING that an ex parte hearing was held on January 3, 2005 as a result of Complainant having filed an Emergency Motion to Amend Visitation. The Court set the matter for further hearing on January 18, 2005. On January 18, 2005, the matter was presented to the Court for further hearing;

IT APPEARING that the decision whether to grant or deny a rehearing is within the trial court's sound discretion;

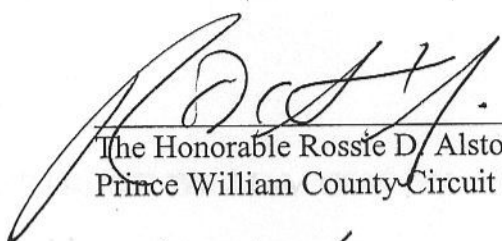
IT APPEARING that there is no error on the face of the record and that there is no legal excuse for Respondent's failure to present his full defense at or before the time of entry of the decree dated January 18, 2005;

UPON CONSIDERATION of Respondent's petition for rehearing, the record in this matter, specifically the hearing held January 18, 2005, and the law,

IT IS ORDERED that Respondent's request for rehearing is DENIED.

Entered this 26th day of January, 2005.

BK0265PG0749



The Honorable Rossie D. Alston, Jr.
Prince William County Circuit Court

send copies of order to:

Wesley C. Smith, Pro Se
3215 Ridge View Ct Ap 104
Woodbridge, Virginia 22192

Loretta Vardy, Counsel for
Cheri Smith
12388 Silent Wolf Drive
Manassas, Virginia 20112

ORDER

COMES NOW Respondent, Wesley Smith, who is duly sworn and deposes that he appeared before the Court on January 18, 2005

and testified that he is the father of the child named in the captioned matter. He stated that he is the biological father of the child and that he is currently residing at the address listed above.

It is the Court's order that the child be returned to the custody of the father, Wesley Smith, and that the mother, Cheri Smith, be ordered to pay the costs of the return of the child to the father.

The Court further orders that the mother be ordered to pay the costs of the return of the child to the father, including the cost of transportation and the cost of the return of the child to the father.

This order is entered on this 18th day of January, 2005, and the Court's judgment is hereby affirmed.

Wesley C. Smith, Respondent
Loretta Vardy, Counsel for Cheri Smith, Plaintiff