

**VIRGINIA:**

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

**CHERI SMITH,**

**Complainant,**

**v.**

**WESLEY C. SMITH,**

**Defendant.**

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**Chancery No. 53360**

**AMENDED ANSWER AND AMENDED CROSS-BILL OF COMPLAINT**

COMES NOW the Defendant/Cross-Complainant, Wesley C. Smith, (“the Husband”) by counsel, and in response to Complainant, Cheri Smith’s (“the Wife”) Amended Bill of Complaint and as his Amended Cross-Bill of Complaint, states as follows:

**ANSWER**

1. The allegations in paragraph 1 of the Amended Bill of Complaint are denied. By way of further response, the Wife has deserted the Husband and the marriage by moving out of the marital residence which has now been sold.
2. The allegations in paragraph 2 of the Amended Bill of Complaint are denied.
3. The allegations in paragraph 3 of the Amended Bill of Complaint are admitted.
4. The allegations in paragraph 4 of the Amended Bill of Complaint are admitted.
5. The allegations in paragraph 5 of the Amended Bill of Complaint are admitted in part and denied in part. By way of further response, the Husband denies the Wife is of sound mind as she suffers from one or more mental illnesses that have lead, in part, to the breakdown of the marriage, and severely impact her fitness as a parent for the parties’ minor child, Liam R.

Smith ("the Child")

6. The allegations in paragraph 6 of the Amended Bill of Complaint are admitted.

7. The allegations in paragraph 7 of the Amended Bill of Complaint are admitted.

8. The allegations in paragraph 8 of the Amended Bill of Complaint are admitted.

9. The allegations in paragraph 9 of the Amended Bill of Complaint are admitted.

10. The allegations in paragraph 10 of the Amended Bill of Complaint are admitted. By way of further response, the Husband again notes his exception to the Court's ruling.

11. The allegations in paragraph 11 of the Amended Bill of Complaint are denied and the Husband demands strict proof thereof. By way of further response, the best interests of the Child require that sole legal and physical custody of the Child be awarded to the Husband.

12. The allegations in paragraph 12 of the Amended Bill of Complaint contain legal conclusions and therefore no response is required.

13. The Husband is without sufficient information to admit or deny the allegations in paragraph 13 of the Amended Bill of Complaint and therefore denies the same.

14. The allegations in paragraph 14 of the Amended Bill of Complaint are denied.

15. The allegations in paragraph 15 of the Amended Bill of Complaint are denied and the Husband demands strict proof thereof. By way of further response, the Wife has repeatedly acknowledged that the Husband is an excellent father, a supportive husband, and has acknowledged her abusive and cruel behavior towards the Husband and has apologized for the same.

16. The allegations in paragraph 16 of the Amended Bill of Complaint are denied as phrased and the Husband demands strict proof thereof. By way of further response, the Husband

has requested the Wife seek treatment and/or counseling for her behavior due to the mental illnesses of which she suffers.

17. The allegations in paragraph 17 of the Amended Bill of Complaint are denied and the Husband demands strict proof thereof. By way of further response, the Wife repeatedly acknowledged that the Husband has acted with restraint after being physically attacked by the Wife.

18. The allegations in paragraph 18 of the Amended Bill of Complaint are admitted. By way of further response, the Husband was forced to take the regrettable action described herein in an effort to stave off the Wife's abusive attacks on the Husband and used no more force than the Wife has used when striking the Child as a form of discipline.

19. The allegations in paragraph 19 of the Amended Bill of Complaint are denied.

20. The allegations in paragraph 20 of the Amended Bill of Complaint are denied as phrased and the Husband demands strict proof thereof. By way of further response, the Husband has requested the Wife seek treatment and/or counseling for her behavior due to the mental illnesses of which she suffers, and has sought the assistance of third parties in coping with the Wife's behavior.

21. The allegations in paragraph 21 of the Amended Bill of Complaint are denied as phrased and the Husband demands strict proof thereof. By way of further response, the Husband has requested the Wife seek treatment and/or counseling for her behavior due to the mental illnesses of which she suffers, has performed extensive research to locate a specific mental illness to identify with the Wife's behavior and has sought the assistance of third parties in coping with the Wife's behavior.

