

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF PRINCE WILLIAM COUNTY

Cheri Smith,
Complainant/Cross-Defendant,

v. Chancery No.:53360

Wesley C. Smith,
Defendant/Cross-Complainant.

ANSWER TO AMENDED CROSS BILL OF COMPLAINT

COMES NOW the Complainant/Cross-Defendant, Cheri Smith, ("the wife") by counsel, and in response to Defendant/Cross-Complainant, Wesley Smith's ("the Husband") Cross-Bill of Complaint respectfully states as follows:

1. The allegations contained in Paragraph 1 of the Amended Cross-Bill of Complaint are admitted.

2. The allegations contained in Paragraph 2 of the Amended Cross-Bill of Complaint are admitted.

3. The allegations contained in Paragraph 3 of the Amended Cross-Bill of Complaint are admitted.

4. The allegations concerning the Wife's mental illness contained in Paragraph 4 of the Amended Cross-Bill of Complaint are denied. The remaining allegations are admitted.

5. The allegations contained in Paragraph 5 of the Amended Cross-Bill of Complaint are admitted.

6. The allegations contained in Paragraph 6 of the Amended Cross-Bill of Complaint are admitted.

7. The allegations contained in Paragraph 7 of the Amended Cross-Bill of Complaint are admitted.

8. The allegations contained in Paragraph 8 of the Amended Cross-Bill of Complaint are admitted.

9. The allegations contained in Paragraph 9 of the Amended Cross-Bill of Complaint are denied. Although living in the same house, the Parties have not cohabited since on or about September 17, 2002. They have separated bedrooms, maintain separate bank accounts. The Wife has performed the normal family tasks such as doing laundry, bathing, food shopping and preparation for herself and her son only. Defendant has provided for his needs.

10. The allegations contained in Paragraph 10 of the Amended Cross-Bill of Complaint are admitted.

11. The allegations contained in Paragraph 11 of the

Amended Cross-Bill of Complaint are admitted.

12. The allegations contained in Paragraph 12 of the Amended Cross-Bill of Complaint are denied.

13. The allegations contained in Paragraph 13 of the Amended Cross-Bill of Complaint are denied.

14. The allegations contained in Paragraph 14 of the Amended Cross-Bill of Complaint are denied.

15. The allegations contained in Paragraph 15 of the Amended Cross-Bill of Complaint are denied: the child has lived with both parents or with the Wife.

16. The allegations contained in Paragraph 16 of the Amended Cross-Bill of Complaint are denied.

17. The allegations contained in Paragraph 17 of the Amended Cross-Bill of Complaint are denied in part and admitted in part, specifically,

Sub-paragraph 17A, the allegations are admitted;

Sub-paragraph 17B., the allegations are denied;

Sub-paragraph 17C., the allegations are denied;

Sub-paragraph 17D., the allegations are denied;

Sub-paragraph 17E., the allegations are denied;
Sub-paragraph 17F., the allegations are denied;
Sub-paragraph 17g., the allegations are denied.

18. The allegations contained in Paragraph 18., Sub-paragraphs A,B,C,D,E,F,G of the Amended Cross-Bill of Complaint are denied. As to the allegations contained in Paragraphs 18 H and 18 I., the Wife invokes her fifth amendment right not to admit or deny anything which may tend to incriminate her and demands strict proof thereof; as to all other allegations contained I Paragraphs 18H and I, the Wife denies them and demands strict proof thereof.

COUNT I

Adultery

19. The Wife incorporates each of the aforesaid answers to the Husband's allegations contained in Paragraph 1 through 18 above.

20. The Wife invokes her Fifth Amendment right against self-incrimination and demands strict proof of the allegations contained in Paragraph 20 of the Amended Cross-Bill of Complaint.

21. The Wife invokes her Fifth Amendment right against self-incrimination and demands strict proof of the allegations contained in Paragraph 21 of the Amended Cross-Bill of Complaint.

22. The Wife invokes her Fifth Amendment right against self-incrimination and demands strict proof of the allegations

contained in Paragraph 22 of the Amended Cross-Bill of Complaint.

23. The Wife denies the allegations contained in Paragraph 23 of the Amended Bill of Complaint.

COUNT II

Desertion

24. The Wife incorporates each of her responses aontained in paragraphs 1 through 23 above, to the Husband's Amended Bill of Complaint

25. The Wife denies the allegations contained in Paragraph 25 of the Cross-Bill of Complaint; the Husband by his verbal harassment of the Wife and false allegations of mental illness as well as other verbal and physical abuse have rendered her decision to leave the marital home as justified. Further, the Wife denies the allegation of Desertion. In support of her denial, the Wife states that:

1. The Husband by his conduct has been guilty of cruelty and constructive desertion thereby justifying the Wife's exit from the marital home.
2. Beginning around 1996 and continuing intermittently to the present, the Husband has harassed the Wife with false allegations of mental illness. Such allegations have been made not only to the Wife but to third parties and the Parties' child.
3. The Wife has sought counseling with and without the husband and has undergone mental health evaluations,

