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Travel

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

CHERI SMITH,

Complainant,

v.

WESLEY C. SMITH,

Defendant.

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Chancery No. 53360

MOTION FOR PENDENTE LITE RELIEF

COMES NOW the Defendant, Wesley C. Smith (“the Husband”), pro se, and moves this Court pursuant to Va. Code Ann. § 20-103, for entry of an Order granting him *pendente lite* relief as requested below:

1. The Plaintiff has a history of attributing to the Defendant, thoughts, feelings, and actions that represent her own thoughts, feelings, and actions that she does not wish to take responsibility. This behavior is commonly referred to as projection.

2. The Plaintiff appears to be continuing her pattern of projection in the claims she makes associated with the custody and divorce case she filed against the Defendant.

3. The Plaintiff has made claims of physical abuse in spite of: (1) her history of committing abuse; (2) knowledge that the Defendant has a written apology documenting her “acts of bodily harm”; (3) other written statements indicating her urges to choke the Defendant, throwing things at the Defendant etc; (4) written statements acknowledging the Defendant has responded well when attacked by the Plaintiff. The Defendant considers this an instance of projection in her court documents.

4. The Plaintiff has made verbal accusations and written implications in

Interrogatories that the Defendant has had sexual relations with the babysitter, the Plaintiff's sister, and other women. Her statements/questions are absurd to the point of being harassment not meaningful discovery questions. For example her sister is religious, abnormally uncomfortable with physical contact, married, and lives thousands of miles away.

5. The Defendant has been a faithful husband and the Plaintiff has stated the same in written statements so it is hard for the Defendant to understand these unwarranted attacks on his character especially when the Plaintiff has sunk so low as to attack the reputation of her own sister. Given the Plaintiff's pattern of projection, the Defendant decided review her claims of infidelity in terms of her behavior and was able to obtain information to indicate an adulterous relationship between the Plaintiff and Mr. Igor Bakhir.

6. Both the Plaintiff and Mr. Bakhir have asserted the 5th amendment and refused to answer questions, or turn over discovery request materials relating to their relationship. The Defendant considers this another example of projection by the Plaintiff in court documents. There are many other examples of projection in her court documents.

7. The Defendant is concerned that the Plaintiff has been projecting with other claims she has made rather than simply throwing mud in an attempt to 'win' her case.

8. Over the years the Plaintiff has taken multiple trips without the Defendant and with the Child to visit her family in Utah, Ohio, and Illinois.

9. In 2002, By agreement between the two parties, both recognizing that the Defendant had a personality better suited to staying home and raising a child, the Plaintiff was working to support the family and the Defendant was staying home and was the primary caregiver for their child.

10. In June or July 2002 the Defendant planned to visit his family in Michigan for a

week or two and asked the Plaintiff if she would mind if he took the Child with him and expected that she would not only agree but also be pleased by the suggestion.

11. The Plaintiffs unexpected response was to jump up and down and scream and yell about blackmail and kidnapping. A response that was totally inappropriate given the parties were married, still living together, not in court, and the Defendant was asking for her approval even when he did not need it.

12. The Defendant canceled his trip in June/July rather than argue with or further upset the Plaintiff and decided to go in August without taking their child with him to avoid another fit of uncontrolled rage by the Plaintiff.

13. On or about August 7 2002 the Plaintiff told the Defendant that it was ok if he wanted to take the child to Michigan with him and she encouraged him to do and made the following statements: (1) "I shouldn't have given you a hard time last time" (2) "I'm sorry that I did - I would like to have seen you go and have a good time." (3) "I think he would have had a good time with his cousins..." (4) "I can't blame you for being hesitant, after the grief you went through before. I don't expect I would change my mind, though - the context is a bit different now and I wouldn't worry about it. (Not that I should have before, since you've always taken very good care of him,...)" [see ICQ messages Aug 7 2002].

14. The Defendant declined to take their child to Michigan with him even with the Plaintiff suggesting he should, due to the Plaintiffs history of : (1) changing her mind; (2) not keeping agreements; (3) on occasion giving the appearance of not even recalling that she had made an agreement. The Defendant declined because he was afraid the Plaintiff would change her mind and call the police and report him for kidnapping or something.

15. In September 2002 the Plaintiff expressed in writing that the Defendant was taking

