

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 presents to this Court a written statement of facts, which he seeks to become part of the record on appeal pursuant to the Rules of the Virginia Supreme Court, Part 5A, Rule 5A:8.

IT APPEARING that Respondent filed in the office of the clerk of this Court on November 19, 2004 a written statement of facts regarding the hearing held September 24, 2004 on a motion to quash filed on behalf of Science International Corporation (SAIC).

IT APPEARING that Rule 5A: 8(c) provides that in lieu of a transcript, a written statement of facts, testimony, and other incidents of the case becomes a part of the record when: (1) within 55 days after entry of judgment a copy of such statement is filed in the office of the clerk of the trial court. A copy must be mailed or delivered to opposing counsel accompanied by notice that such statement will be presented to the trial judge no earlier than 15 days nor later than 20 days after such filing; and (2) the statement is signed by the trial judge and filed in the office of the clerk of the trial court.

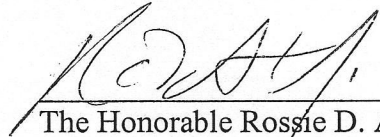
IT APPEARING that the procedural requirements of Rule 5A:8 have not been satisfied as Respondent failed to file a written statement of facts within 55 days after entry of judgment on

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the motion to quash dated September 24, 2004.

THEREFORE, IT IS ORDERED that Respondent's request that the Court sign the written statement of facts is DENIED.

Entered this 16<sup>th</sup> day of December, 2004.

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

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