

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

**CHERI SMITH,
Plaintiff,**

V.

WESLEY C. SMITH,
Defendant

Chancery No. 53360

#68 – MOTION FOR CHANGE OF VENUE

A pdf copy of this document is available at: http://www.liamsdad.org/court_case/

COMES NOW the Defendant, Wesley C. Smith, and makes a motion for a change of venue to the county in which the Defendant resides (Pulaski). The Defendant states as follows:

1. The Plaintiff filed for divorce in Prince William County Circuit Court in June of 2003.
2. In the following **3 years** the Prince William County Circuit Court has been unwilling to move the case forward and has kept the parties trapped in endless litigation. This court has shown significant gender bias against the Defendant and has failed to make the Plaintiff comply with Discovery, has failed to sanction the Plaintiff and her counsel for fraud, has failed to follow the law, has violated basic constitutional rights of the Defendant.
3. The Judges of this court have engaged in illegal ex parte hearings, and Judges and/or their staff have engaged in ex parte discussions with the Loretta Vardy about scheduling, neither allowing the Defendant to join in the conversion nor informing the Defendant afterwards. Examples would be scheduling the Jan 3rd 2005 hearing with Ms. Vardy without contacting the Defendant who had a cell phone at the time, and leaving the Defendant to find out about it many days latter by mail.
4. Ms. Vardy was also informed by the court of a change in Judges, and the court took no action to inform the Defendant.
5. The Court has shown bias in scheduling hearings requested by Ms. Vardy quickly, sometimes not even allowing 7 days notice for the Defendant, yet the court delays for months (6 so far) to hear an emergency motion filed by the Defendant.
6. The Judges of Prince William Circuit Court **as a group** are unwilling to faithfully fulfill their

duties and oaths ad judges as shown by the illegal order to prohibit the free speech of the Defendant and the refusal of other judges to rule that the order is void or to vacate it.

7. It now appears that Judges and/or their clerks have been looking into issues related to the case on their own instead of relying on the parties to bring evidence to court. This is improper conduct.

8. The logs of the website www.liamsdad.org shows entries consistent with Judges or their clerks, reading the Defendant's website and in particular reading web pages about the Judges themselves. On May 15, 2006, within one hour and 15 minutes it appears court staff made 6 requests for the page about Judge Potter, 2 requests for the page about Judge Millette, 2 requests for the page about Judge Alston, and 1 request for the page about Judge Farris. Whoever from the county was browsing my website, showed a distinct interest in Prince William County Judges and not much else. See Exhibit A.

9. The Defendant has filed a Freedom Of Information Act request with the county in an attempt to find out if its possible to determine which Judges have been involved in this activity.

10. Unless the court can prove otherwise it would appear that the Judges do not approve of the Defendant having comments about them on his website leaving an appearance of bias that would leave people wondering if say Judge Potter for example ruled against my motion because of its legal merits or because he doesn't like the picture of a kangaroo with a gavel that I have representing him to the world.

11. Given that the Judges have failed to move the case forward in 3 years, have intentionally made illegal and unconstitutional rulings and refuse to correct them, and are now engaged in improper conduct in reading the Defendant's website (other than the court documents page would be acceptable), and seem more interested in what the Defendant is saying publicly about the them instead of worrying about how the Judges rulings are impacting our son, venue should be changed.

12. According to § 8.01-261(19), Prince William County was the first preferred venue and Pulaski County, the County the Defendant resides in, would be the next preferred venue.

WHEREFORE the Defendant moves this court to change venue to Pulaski County Circuit Court.

**Respectfully Submitted,
Wesley C. Smith**

Wesley C. Smith, Defendant
5347 Landrum Rd APT 1, Dublin, VA 24084-5603
liamsdad@liamsdad.org - no phone

Selected Excerpts from log file (if you want the whole thing I can e-mail it to you)

208.29.67.33 - - [15/May/2006:15:11:58 -0400] "GET /hall_of_shame/richard_potter.shtml
208.29.67.36 - - [15/May/2006:15:12:31 -0400] "GET /hall_of_shame/richard_potter.shtml
208.39.172.36 - - [15/May/2006:15:15:20 -0400] "GET /hall_of_shame/richard_potter.shtml
208.29.67.36 - - [15/May/2006:15:22:43 -0400] "GET /hall_of_shame/richard_potter.shtml
208.29.67.36 - - [15/May/2006:15:30:54 -0400] "GET /hall_of_shame/richard_potter.shtml
208.29.67.33 - - [15/May/2006:16:35:37 -0400] "GET /hall_of_shame/richard_potter.shtml

208.29.67.36 - - [15/May/2006:15:16:03 -0400] "GET /hall_of_shame/leroy_millette.shtml
208.29.67.36 - - [15/May/2006:15:26:39 -0400] "GET /hall_of_shame/leroy_millette.shtml

208.29.67.36 - - [15/May/2006:15:16:12 -0400] "GET /hall_of_shame/lon_farris.shtml

208.29.67.36 - - [15/May/2006:15:14:45 -0400] "GET /hall_of_shame/rossie_alston.shtml
208.29.67.33 - - [15/May/2006:15:18:24 -0400] "GET /hall_of_shame/rossie_alston.shtml

Reverse DNS for 208.29.67.36

208.29.67.36 PTR record: **mx4.pwcgov.org**. [TTL 3600s] [A=208.29.67.36]

Reverse DNS for 208.39.172.33

208.39.172.33 PTR record: **mx1.pwcgov.org**. [TTL 82749s] [A=208.39.172.33]

Reverse DNS for 208.29.67.33

208.29.67.33 PTR record: **mx3.pwcgov.org**. [TTL 3600s] [A=208.29.67.33]

Reverse DNS for 208.39.172.36

208.39.172.36 PTR record: **mx2.pwcgov.org**. [TTL 16228s] [A=208.39.172.36]

WHOIS results for pwcgov.org

Domain ID:D991457-LROR
Domain Name:PWCGOV.ORG
Created On:18-Mar-1998 05:00:00 UTC
Last Updated On:18-Jan-2006 23:18:29 UTC
Expiration Date:17-Mar-2015 05:00:00 UTC
Sponsoring Registrar:Network Solutions LLC (R63-LROR)
Status:CLIENT TRANSFER PROHIBITED
Registrant ID:19940859-NSI
Registrant Name:Prince William County
Registrant Organization:Prince William County
Registrant Street1:1 County Complex Court
Registrant Street2:
Registrant Street3:
Registrant City:Prince William
Registrant State/Province:VA
Registrant Postal Code:22192
Registrant Country:US
Registrant Phone:+1.7037927950
Registrant Phone Ext.:
Registrant FAX:
Registrant FAX Ext.:
Registrant *****@CO.PRINCE-WILLIAM.VA.US

EXHIBIT A