

**Transcript from recording -- Cops**  
**Spring Hill Elementary June 17, 2005**

1 **Smith:** well come join us  
2 **Cop:** whats that  
3 **Smith:** come join us  
4 **Cop:** come on over, come on over this way for <not clear>, I need to talk to you over  
5 here  
6 **Cop:** whats going on here today  
7 **Smith:** I cam here to enjoy my son's party  
8 **Female Cop:** well your sons going to go the rest of the class  
9 **Smith:** no  
10 **Female Cop:** yes  
11 **Smith:** if you are going to arrest me you can arrest him in front of me  
12 **Female Cop:** your son is goin with the rest  
13 **Smith:** I have a right to see him  
14 **Cop:** right now it looks like I have paperwork sayin your not supposed to see him  
15 **Smith:** no, visitation is a temporary change in custody, that is not seeing him at school,  
16 that would be a no-contact order, that means when I'm here I'm not in charge of him  
17 **Cop:** what happened today when the principal asked you to leave the property  
18 **Smith:** he didn't ask me to leave, he did try to prevent me from attending the meeting  
19 like he tried to prevent from attending the parent/teacher conference  
20 **Cop:** <not clear, talking at same time>  
21 **Vanderhye:** I asked you to come to my office twice to sort it out and you refused directly  
22 twice, you went into the classroom <not clear talking at same time>  
23 **Smith:** thats because you've refused, you've tried to keep me from going in there before  
24 **Vanderhye:** Mr. Smith unfortunately when you are at this school you have do as I ask  
25 you to do  
26 **Smith:** one would think you would want to limit the liability you are exposing to the  
27 school to. you did not invite me to the IEP meeting  
28 **Vanderhye:** you need to, you need to listen to me and if I say not go to a class  
29 **Smith:** and that you have an obligation to do even if there was a no-contact order  
30 **Vanderhye:** you need to listen to me  
31 **Smith:** no, you need to respect my rights, I am a father and I have a right to see my son  
32 **Smith:** not because some jerkoff principals got a big head  
33 **Cop:** alright, sir we don't need that, alright  
34 **Smith:** well I don't need this, I came here to see my son  
35 **Cop:** I just I just told him to be quiet I'm telling you the same thing alright  
36 **Smith:** alright  
37 **Cop:** were not going to get into a verbal altercation right, alright there's no need  
38 **Smith:** there is no need for you here  
39 **Cop:** calling names  
40 **Cop:** this is the last one I looked at, the last page  
41 **Smith:** visitation is a switch a temporary switch in custody, thats not to say I can't see  
42 him she still has to provide me with access which would be school events and things  
43 **Cop:** well until we sort this out your not seeing your son right now until we  
44 **Smith:** well if you can sort it out quick  
45 **Cop:** can you read it  
46 **Cop:** who has sole custody

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1 **Smith:** my wife does  
2 **Cop:** any specifics written in the visitation  
3 **Smith:** right now visitation is suspended, but visitation is a change in custody, that is not  
4 a no-contact order that means I'm not in charge of him.  
5 **Female Cop:** can I make a suggestion, can we move to another area other than <not  
6 clear>  
7 **Smith:** no, they need to hurry or I'm going to go out there  
8 **Female Cop:** sir we are going to take our time  
9 **Smith:** I have a 1/2 hour left I can see my son, I drove 4 hours to be here, you can hurry  
10 or I'm going try and see him and you can do what you can do, my choice is to see my  
11 son  
12 **Female:** I think its probably better that we go to a different area then the front lobby  
13 **Cop:** <not clear>  
14 **Cop:** alright, step on outside  
15 **Cop:** do you have some id with you  
16 **Smith:** and your name is  
17 **Cop:** I'm officer Colwell  
18 **Smith:** S.A. Colwell  
19 **Cop:** right I need to see your id  
20 **Cop:** sir I need to see some id please  
21 **Smith:** what for  
22 **Cop:** because I'm taking a report on this I've been dis, I was called out here on a  
23 complaint, I need to see your id, the complaint was against you  
24 <zipper>  
25 **Cop:** is this where you are living in woodbridge  
26 **Smith:** no its not  
27 **Smith:** the state does not give you updated cards unless you pay for them  
28 **Cop:** where are you living now  
29 **Smith:** 5347 Landrum Rd  
30 **Cop:** Landrum one word  
31 **Smith:** yeah  
32 **Cop:** where's <not clear>  
33 **Smith:** Apartment 1  
34 **Smith:** Dublin, Virginia  
35 **Cop:** Dublin  
36 **Smith:** thats correct  
37 **Cop:** like Dublin Ireland  
38 **Smith:** thats correct  
39 **Cop:** whats your zipcode there  
40 **Smith:** 24084  
41 **Cop:** how old are you sir  
42 **Smith:** 40  
43 **Cop:** do you have a home phone number there  
44 **Smith:** no  
45 **Cop:** do you have a cell phone number  
46 **Smith:** no

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1 **Cop:** work phone number  
2 **Smith:** no  
3 **Cop:** you have no phone  
4 **Smith:** no  
5 **Cop:** why is that  
6 **Smith:** can't afford it all my money goes to fighting custody  
7 **Cop:** how does anybody get ahold of you  
8 **Smith:** they can send me e-mail  
9 <zipper>  
10 **Cop:** heres the problem alright obviously were not going thru this real quick because we  
11 need to look at all the paperwork the school has on hand but if the school has a problem  
12 with any person as far as court or anything like that and they think that some parent is  
13 trying to come in and take it take the child  
14 **Smith:** I'm not trying to take him I'm just attending the party  
15 **Cop:** I'm not saying I'm not saying you are  
16 **Smith:** if I was to take him without my wife's permission that would be against the court  
17 order  
18 **Cop:** but we have to check to make sure thats not what is going on  
19 **Cop:** when we get a call for something like this we need to  
20 **Smith:** then why don't you come and join in the party and you can keep an eye on me  
21 **Cop:** we are checking everything right now sir if everything is good to go you'll be rolling  
22 on out of here  
23 **Cop:** if they call and if they have a valid complaint we have to answer that just like if you  
24 called the police for a complaint we have to look into it we can't just a hasty rash  
25 decision  
26 **Smith:** no you don't if your doing it against the mother when she violates the court order  
27 your told just to go to hell  
28 **Cop:** we have to read, we have what the court order says alright  
29 **Cop:** this writing unfortunately is not real clear on it  
30 **Smith:** no its not they really do a crappy job on their court orders  
31 **Cop:** who whose, thats from prince william  
32 **Smith:** thats correct  
33 **Cop:** who wrote the handwriting on there  
34 **Smith:** I'm assuming the judge, could have been the clerk I wasn't watching  
35 **Female Cop:** what happened in michigan something  
36 **Smith:** what about michigan  
37 **Female Cop:** I don't know something about  
38 **Smith:** my wife showed up late to pick him up  
39 **Female Cop:** ok and you just took him to michigan or what happened in that I don't  
40 know anything about that.  
41 **Smith:** she showed up late to pick him up thats all  
42 **Female Cop:** and you took him to michigan  
43 **Smith:** yeah like I've done previously, its allowed per the court order, their not even  
44 arguing I didn't have a right to take him there  
45 **Female Cop:** do you have any paperwork <not clear>  
46 **Smith:** no, I mean that is the last order, visitation is suspended, but visitation is a

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1 temporary switch in custody, its not that I can't see him, its that I'm not in charge I'm not  
2 ever a legal guardian  
3 **Female Cop:** see the issue is that unfortunately I know you his guar you are his father  
4 but the school does not want you on the ground  
5 Smith: thats their problem  
6 **Female Cop:** no thats your problem so thats and issue you and your wife are going to  
7 have to discuss so when you have visitation  
8 **Smith:** no I do not talk to my wife you going to  
9 **Female Cop:** thru the courts or your lawyer or whoever  
10 **Smith:** I don't have a lawyer  
11 **Female Cop:** whatever, however you want to settle visitation unfortunately the school  
12 **Smith:** I came here to see my son  
13 **Female Cop:** because now they do not want you on the property  
14 **Smith:** I can't control their decision  
15 **Female Cop:** property then  
16 **Smith:** I can't control their decision  
17 **Cop:** the school can control who comes in the school and who does not belong here  
18 **Smith:** I only control my actions, I wish to see my son if the school tells you that you can  
19 not come on the property you can not come on the property thats up to the school  
20 **Smith:** well be that as it may  
21 **Cop:** have they told you in the past not to come on the property  
22 **Smith:** they have threatened to have me arrested if I wore a t-shirt of something they  
23 did not say I could not come  
24 **Cop:** do you know  
25 **security guard:** no  
26 **Cop:** have you ever met with him  
27 **security guard:** no I have not but I think were you the one with the t-shirt with the  
28 obscene thing on it that  
29 **Smith:** no, I didn't have anything obscene, I had a t-shirt that said liamsdad.org and  
30 pictures of my son and no other words and he objected that is hardly obscene but he  
31 threatened me with arrest over that and I talked to his supervisor and his supervisor  
32 assured me there was nothing wrong with my shirt.  
33 **Cop:** they ever told you tell you not to come back  
34 **Smith:** no  
35 **Cop:** they didn't  
36 **Smith:** he told me I couldn't wear that shirt his supervisor said I could I talked to the  
37 superintendent  
38 **?:** that was a similar incident involving the person here that type of situation, you  
39 wouldn't allow him to wear the shirt  
40 **?:** right  
41 <not clear>  
42 **Cop :** the whole thing is people on school property you have to go thru the office you  
43 just can't walk in a side door  
44 **Smith:** I did go to the office I signed in  
45 **Cop:** if they tell you that you can't come into the school then you cannot come into the  
46 school

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1 **Smith:** no I can come into the school, they can exercise their option if they wish and  
2 have me hauled off but I will exercise my right to see my son and I will sue them  
3 afterwards  
4 **Cop:** if they tell you that you can not come in then you can't come in  
5 **Smith:** No, I can they can exercise their right to have me charged with trespassing if  
6 they wish and I'll sue them for that and their other violations  
7 **Cop:** the school is maintained by them you just don't have free will of the school  
8 whether they want you or  
9 **Smith:** I didn't say I did  
10 **Cop:** well if you want to go exercise your right like you are saying you do you can't do  
11 that, if anybody from the school tells you that you have to stay at the front or leave the  
12 property you have to do what they tell you  
13 **Smith:** I understand your position  
14 **Cop:** whose is this, is this yours or theirs  
15 **Smith:** thats theirs, thats funny when I give them court orders they shred them  
16 **Female Cop:** you haven't received a letter a notice of trespassing from the school  
17 **Smith:** no I have not  
18 **Cop:** have they told you your not welcome on the property before  
19 **Smith:** no  
20 **Cop:** they are looking right now they supposedly sent him one six or seven times  
21 **Smith:** they never have or I would have sued them already  
22 **Female Cop:** so when is your custody when is your time for actually see your child  
23 **Smith:** at the moment I have no visitation  
24 **Female Cop:** so then if you have no visitation  
25 **Cop:** why are you here  
26 **Smith:** visitation is a temporary change in custody when I have custody and their is a  
27 school event I can't prevent my wife from attending, that is access, two different things,  
28 one means when I have visitation I am the parent and nothing my wife says means  
29 anything even though she has sole custody they are different, that is a temporary  
30 change, all they did was say I'm not in charge, it doesn't say I can't see my son  
31 **Female Cop:** how long has this been going on the battle for custody  
32 **Smith:** two and a half years and she started off with a protective order that was  
33 dismissed and the judge actually gave him back to me for daycare, I mean she's nutso  
34 **Female Cop:** what was the change where you had custody and now you don't have  
35 custody  
36 **Smith:** visitation is a temporary change in custody which means  
37 **Female Cop:** I understand that but what I'm saying is most people who do have  
38 paperwork that reference that thing  
39 <not clear>  
40 **Smith:** the last one, I don't have visitation, I just told you that. At the moment I do not  
41 have visitation  
42 **Female Cop:** so what happened where you had custody for daycare or whatever and  
43 now you have no visitation  
44 **Smith:** went to Circuit Court from JDR  
45 **Female Cop:** when was that  
46 **Smith:** well we started in Circuit Court think September 2003

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1 **Female Cop:** whatever came of  
2 **Smith:** thats not a valid court order anyhow because they issued those things without  
3 due process, the first one was done while I was out of state, they didn't give me any  
4 notice, had no reason, its not legal  
5 **Female Cop:** well thats a matter you have to take up with the court  
6 **Smith:** actually no your not obligated to enforce void orders  
7 **Female Cop:** if it says Circuit Court or whatever that piece of paper that first piece of  
8 paper thats a Circuit Court order  
9 **Smith:** only if they follow the proper procedures which they did not, its actually a void  
10 order and void orders, you can go check the court ruling, void orders don't count for  
11 anything which means if you arrest me for not following an order that doesn't exist I can  
12 sue the police the police department  
13 **Female Cop:** well thats not the issue for violating the thing the issue is that if you were  
14 told not to appear on the premises then  
15 **Smith:** they didn't  
16 **Female Cop:** thats the issue. what happened did anything come about when you went  
17 to michigan did the police get involved with that  
18 **Smith:** thats when they changed the, well she called the police and the police said do  
19 you have him ready to go, she's not here, no problem, because the court order said she  
20 picks him up where I'm at and she just didn't want to come get him  
21 **Female Cop:** do you have family in michigan or did you go for vacation  
22 **Smith:** yeah I've got family up there, I'm not the one who made the court order, even her  
23 attorney agrees that that was the expected exchange agreement per the court order  
24 was she was to come get him  
25 **Female Cop:** how long were you all in michigan for  
26 **Smith:** just a couple days  
27 **Female Cop:** did you bring him back down here or  
28 **Smith:** no that would have been against the court order the court order was that she  
29 picked him up when she gets him back and I pick him up where she lives when I get him  
30 back  
31 **Female Cop:** ok well who actually well then where did the custody change place, who  
32 actually brought him back down here or she went up and got him  
33 **Smith:** she went up and got him, without an agreement to do otherwise I'd have been in  
34 trouble for bringing him down here  
35 **Female Cop:** well it sounds like you guys need to go back to court and get it nailed  
36 down  
37 **Smith:** they don't want to they make money off of keeping it, we've asked them to clarify  
38 **Female Cop:** unfortunately if you don't have it then thats when we get involved and if  
39 there is no court order then it makes it very hard to say well yes I have visitation right  
40 now  
41 **Smith:** I know, I know, well their original order which they refused to change had us  
42 both having control of him on the very same day which is absurd  
43 **Female Cop:** sounds like  
44 **Smith:** and we asked them to clarify it and they just said no we ain't going to bother  
45 because the attorneys make too much money over this  
46 **Female Cop:** well I'm not I'm, that is true, unfortunately in this case it makes <not

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1 clear>  
2 **Smith:** because they gave me fathers day in the court order and then by name fathers  
3 day weekend and then by date they gave her fathers day weekend too, when we  
4 brought this up they were like oh well thats a problem isn't it  
5 **Female Cop:** well then there are so many <not clear> should go thru it with a fine tooth  
6 comb and make sure that  
7 **Smith:** you can't force the court to correct it they don't care they like the controversy,  
8 they like to keep the fight going so the attorneys can make money  
9 **Female Cop:** I'm just saying I think it would be easier though if you had it saying I had  
10 visitation this time, this time, this time <not clear>  
11 **Smith:** I think so to but its not up to me I'm not a judge  
12 **Cop:** alright Mr Smith heres the deal alright they do not want you on the school property  
13 any more, this notice here is a trespass notice from here on out if you show up on the  
14 property you will be arrested for trespassing understand that Mr understand what I'm  
15 saying  
16 **Smith:** I heard you  
17 **Cop:** I need you to sign it  
18 **Smith:** I will not sign it  
19 **Cop:** ok thats fine, still going to get a copy witnessed by me  
20 **Cop:** thats your copy sir  
21 **Smith:** so may I go see my son  
22 **Cop:** no sir  
23 **Smith:** then we will find out how the process works  
24 **Female Cop:** Sir if you go see him you will be arrested for trespassing  
25 **Smith:** I understand  
26 **Smith:** where's Liam at  
27 **staff/parent:** I'm sorry  
28 **Smith:** where's Liam  
29 **staff/parent:** right there  
30 **Female Cop:** excuse me, excuse me, excuse me