

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

**Commonwealth of Virginia**

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v.

CASE NO: MI-2005-1559

**Wesley Smith**

**DEFENDANT'S MOTION FOR CLARIFICATION OF CHARGES**

The Defendant, Wesley Smith, requests the Court clarify the specifics of the crime he is charged with:

1. The Defendant has been told he is charged with Trespassing but no specifically what type of trespassing or what specific actions he is accused of doing that constituted trespassing.
2. If the Defendant is charged with Trespassing in violation of § 18.2-119 the Defendant requests the prosecution to state and the court to rule which prong of § 18.2-119 the Defendant is accused with violating; Is it the first prong of “person **without authority** of law goes...” or the second prong of “if any person, whether he is the owner, tenant or otherwise **entitled to the use of** such...”
3. The Defendant also requests clarification of the specific acts that constitute the crime of trespassing. Was it the act of showing up at the school at all? Or is the Defendant accused of not complying with school policy to sign in? Or is the Defendant accused of refusing to leave the property? Or is the Defendant accused of returning to the property?
4. As several of the facts relating to the case are not in dispute, clarification by the Court as to the specifics of the charges should allow for both the Prosecution and Defense to

focus on only those facts that relate to the specific charge instead of having to cover all possible charges, thus resulting in a shorter more focused trial.

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Wesley Smith

Wesley Smith Pro Se  
5347 Landrum Rd APT 1  
Dublin VA 24084-5603  
(no phone) liamsdad@liamsdad.org