

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA) CRIMINAL NUMBER MI-2005-1559
VERSUS)
WESLEY CLAY SMITH) APPEAL - TRESPASSING

FINAL ORDER

JURY TRIAL

On October 5, 2005, Bob McClain, Assistant Commonwealth's Attorney, and WESLEY CLAY SMITH, the Defendant, appeared before this Court. The Defendant is charged with the misdemeanor of TRESPASSING.

The Defendant was arraigned upon the warrant and the Defendant entered a plea of not guilty.

Thirteen veniremen were sworn and examined on their voir dire and found to be competent and qualified jurors. The Commonwealth's Attorney and the Defendant alternately struck the names of three of the veniremen. The remaining seven constituted the Jury and were sworn.

The Jury heard opening statements of the Commonwealth's Attorney and by the Defendant and all of the evidence presented by the Commonwealth. Upon conclusion of the Commonwealth's evidence, the Defendant moved the Court to strike the evidence presented by the Commonwealth. The Court, after hearing argument, denied the motion.

The Jury was recalled and heard all of the evidence presented on behalf of the Defendant.

At the conclusion of all of the evidence presented, the Defendant renewed his motion to strike. The Court denied the motion.

The Jury received the instructions of the Court, heard closing arguments and was sent to deliberate. After some time, the Jury returned to Court and rendered the following verdict:

'We, the Jury, on the issue joined in the case of the Commonwealth of Virginia versus WESLEY CLAY SMITH, Defendant, find the Defendant guilty of TRESPASSING.

/s/Linda Zeoli
Foreman.'

In accordance with the verdict rendered by the Jury, the Court found the Defendant, WESLEY CLAY SMITH, guilty of TRESPASSING, as charged.

The Jury then received the instructions of the Court regarding punishment, heard closing arguments and was sent to deliberate. After some time, the Jury returned to Court and rendered the following verdict:

'We, the Jury, on the issue joined in the case of the Commonwealth of Virginia versus WESLEY CLAY SMITH, Defendant, having found the Defendant guilty of TRESPASSING, fix his punishment at: \$100.00 fine, no jail time.

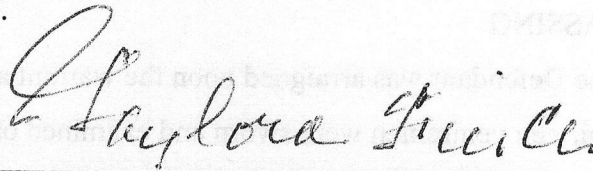
/s/Linda Zeoli
Foreman.'

The Jury was discharged.

In accordance with the verdict rendered by the Jury, the Court **ORDERED** that the Defendant pay a fine in the amount of \$100.00 and pay the costs of this case.

The Defendant was given fifteen days to pay the fine and costs.

Entered on October 13, 2005.



JUDGE GAYLORD L. FINCH

