

IN THE
COURT OF APPEALS
OF VIRGINIA

WESLEY SMITH,)	
)	
Appellant)	
)	
v.)	RECORD No. 2615-05-4
)	
COMMONWEALTH OF VIRGINIA)	
)	
Appellee)	

**BRIEF IN OPPOSITION TO
PETITION FOR APPEAL**

**TO: THE HONORABLE CHIEF JUSTICE AND THE ASSOCIATE
JUSTICES OF THE COURT OF APPEALS OF VIRGINIA**

COMES NOW the Commonwealth of Virginia in response to the Petition for Appeal submitted in this matter and states that no reversible error was committed in the Circuit Court of Fairfax County, Virginia.

1. The Appellant has failed to allege any facts that demonstrate an abuse of discretion by the Judge.
2. The Appellant has produced no evidence that the Judge's decision was based on the fact that the Appellant was a "non-custodial" parent.
3. The Appellant was appointed counsel but fired counsel right before trial.

4. The Appellant has failed to allege any facts that the Judge was upset about the Appellant's website, nor that it had any bearing on the Judge's decisions.
5. The Judge has complete discretion in determining what evidence is admissible and the Appellant has failed to demonstrate any abuse of discretion by the Judge.
6. A jury verdict should only be overturned when the judgment is plainly wrong or it is without evidence to support it. The Appellant has failed to demonstrate that the jury verdict was plainly wrong or without evidence.

CONCLUSION

For the foregoing reasons, it is apparent that the Petition for Appeal in this case is without merit, and the Commonwealth respectfully requests that it be denied.

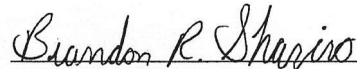
Respectfully submitted,

ROBERT F. HORAN, JR.
Commonwealth's Attorney

By: Brandon R. Shapiro
Brandon R. Shapiro
Assistant Commonwealth's Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Brief in Opposition to Petition for Appeal was mailed to Wesley Clay Smith, Appellant.



Brandon R. Shapiro
Assistant Commonwealth's Attorney