

Nolensville mom accused of abusing son has charges dismissed

(Photo: Submitted)

FRANKLIN – After experiencing what he called a "Perry Mason moment," Judge Ernie Williams today in Williamson County General Sessions Court dismissed [child abuse and neglect charges against Susan Swafford Smithburg](#).



Williams was referring to the revelation that Smithburg had "re-aged" her son, Christopher J. Smithburg, essentially making him 16 years old, when, in fact, he is 18.

The charges against Susan Smithburg stem from allegations of excessive punishment of the teen.

During today's preliminary hearing, the Nolensville mother testified that in 2006 she changed the boy's birth date from Feb. 6, 1996, to the same date in 1998, which would have made him 16 at the time the abuse and neglect charges were made.

Susan Smithburg had told police that Christopher Smithburg ran away from home on March 27 after [she made him do 1,500 pushups](#) and she slapped him for lying about making toast. The episode prompted a weeklong communitywide search for the teen.

Susan Smithburg, who is an attorney, testified that after adopting him from an orphanage in the Philippines in 2006, she "re-aged" him because she was unable to get him into private school classes for children his age. She said she did so "based on his social and emotional level, so he would be caught up with his academic peers."

Her attorney, David Raybin, presented Christopher Smithburg's birth certificate and passport, which show that he was born in 1996, while later legal documents created after he was adopted show that he was born in 1998.

In his responses to Raybin's questions about the change of his birth date, Christopher Smithburg appeared to be unaware that he is currently 18.

Judge Williams dismissed the charges, saying the state failed to prove Susan Smithburg committed aggravated child abuse and neglect, and in light of Christopher Smithburg's true age — which means he was not a juvenile at the time he ran away from home.

Related: [Police: Nolensville mom ordered son to do 1,500 pushups](#)

"It sounds to me like this young man and his mother had some communication problems," Williams said.

In court, Christopher Smithburg did not dispute Raybin's characterization that the teen often got into trouble and lied about his actions to his mother. He admitted he had stolen things, including a video game from a neighbor boy, answers to a school test, a necklace from his brother and an iPhone, and also that he had taken food from his house without permission.

"Your parents were afraid of you and put an alarm on your door so that if you left your room, they would know," Raybin said to Christopher Smithburg, who agreed that was true.

When discipline problems first emerged, his mother "spanked him or grounded him" when he would disobey her,

Raybin said. When that didn't work, she then moved up to "a few pushups," which increased "more and more" over time. Christopher Smithburg testified that she made him do 1,500 pushups and struck him in the face while he was doing them.

"Did it do any good?" Raybin asked. The teen answered, "no."

The state still has the right to bring charges to the grand jury if it chooses, Williams said. Assistant District Attorney Kelly Lawrence said District Attorney General Kim Helper will review the case to "see what charges would be appropriate to present to a grand jury.

She added, "It's not out of the realm of possibility."

After the charges were filed against Susan Smithburg, Christopher Smithburg was removed from his family's home and put into foster care along with a 17-year-old boy who also was adopted from the Philippines and a 10-year-old girl. However, where he will go now is not clear as Judge Williams said he was unable to say, based on the latest facts, whether he would remain in foster care.

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