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DISTRICT COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO
Case No. 89DR477, Division 10

REPORTER'S TRANSCRIPT

In re the Marriage of:
SANDRA WILFRED,
Petitioner,
and
HARMON WILFRED,
Respondent.

The above-entitled matter commenced on Wednesday,
June 6, 1990, before the HONORABLE JOYCE S. STEINHARDT,
District Court Judge.

A P P E A R A N C E S

FOR THE PETITIONER: Elaine Edinburg
Attorney at Law

FOR THE RESPONDENT: Harmon Wilfred
Pro Se

GUARDIAN AD LITEM: Susan Dycus
Attorney at Law

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1 MORNING SESSION, WEDNESDAY, JUNE 6, 1990

2 (The Court was in session, and the following
3 proceedings were had, to wit:)

4 THE COURT: This is Wilfred.

5 MS. EDINBURG: Good morning, Elaine Edinburg. I'm
6 the attorney of record. I appear with the Petitioner, Sandra
7 Wilfred.

8 MS. DYCUS: Susan Dycus, Your Honor, appearing as
9 Guardian ad Litem for the minor child. We have not yet seen
10 Mr. Wilfred this morning. He did indicate yesterday that he
11 would not be participating.

12 THE COURT: Do you think you should wait? It's
13 exactly 9:30 at this time. We can wait five minutes, or we
14 can start.

15 MS. DYCUS: Your Honor, perhaps for five minutes.
16 He has been consistently about five minutes late every time we
17 have come to court.

18 MS. EDINBURG: We'll wait five minutes.

19 THE COURT: We did -- my clerk got a phone call from
20 a lady who said she was calling for him and wanted to speak to
21 time.

22 MS. DYCUS: The time for this morning? We called
23 to check the time.

24 THE COURT: Well --

25 MS. EDINBURG: Unless it was somebody else.

1 THE COURT: We'll take a short recess.

2 (Whereupon, the Court recessed at 9:34 a.m.)

3 THE COURT: All right. 89DR477. In re the Marriage
4 of Wilfred. Counsel, make your appearance, please.

5 MS. EDINBURG: Good morning, Your Honor. Elaine
6 Edinburg, attorney of record, appearing with the Petitioner.
7 Seated at counsel's table is Pam Heckencamp (phonetic), my
8 paralegal to assist me.

9 MR. WILFRED: Good morning, Harmon Wilfred,
10 representing myself, pro se.

11 MS. DYCUS: Susan Dycus appearing as Guardian ad
12 Litem for the minor child, Tyler.

13 MS. EDINBURG: Your Honor, I just have a few
14 preliminary matters that I need the Court to address. First of
15 all, the Court may recall that I filed a subpoena duces tecum
16 to First City Federal, and a Motion to Quash was filed by Ms.
17 Kipper regarding that subpoena. Ms. Kipper was here yesterday.
18 I insisted that they provide us with the documents. You would
19 not rule on the Motion to Quash, and Mr. Wilfred had not
20 complied with any of the discovery requests that I had
21 submitted to him despite the Court ordering him to comply,
22 despite the Court order of May 8th.

23 Mr. Wilfred gave me no documents, so I talked to Ms.
24 Kipper after the Court continued this matter, and told her that
25 the documents were absolutely essential, and she has requested

1 that you order that they produce all the documents.

2 There's one witness, Mrs. Alma Rhodes (phonetic) who
3 is available if I need her this afternoon. I would ask
4 the Court to deny the Motion to Quash the subpoena duces tecum
5 so that we can technically just clarify and clear up that one.

6 THE COURT: What's the grounds for the Motion to
7 Quash?

8 MS. EDINBURG: Well, in that they are very
9 substantial. In my opinion, they basically set forth the
10 documents which are fairly significant, and it was arranged
11 that Mrs. Rhodes would have to be here for two days despite the
12 fact that I put her on call.

13 THE COURT: Is there anybody here from the bank to
14 argue the Motion?

15 MS. EDINBURG: No.

16 THE COURT: Well, Mr. Wilfred, do you wish to argue
17 the Motion?

18 MR. WILFRED: No, Your Honor.

19 THE COURT: All right. Well, the Court is going to
20 order that the bank's Motion to Quash will be denied. The bank
21 will supply the documents as requested.

22 MS. EDINBURG: Thank you. Another preliminary
23 matter, is First Bank was subpoenaed, Your Honor, to produce
24 certain documents to us, some of which they have done including
25 bank statements, copies of the cancelled checks we have asked

1 for, signature cards and other documents in order to take a
2 look at some of the accounts that Mr. Wilfred has taken Mrs.
3 Wilfred's name off of. So, we're asking for you to order, I
4 guess, the First Bank to comply with the subpoena as it's
5 detailed out. I have a copy.

6 THE COURT: Okay. The Court will enter that order.

7 MS. EDINBURG: Third matter, Your Honor, is I filed
8 a Motion for Sanctions with this Court. It's dated May 22d.
9 It was two weeks ago after the May 8th pretrial wherein the
10 Court ordered Mr. Wilfred to do several things including but
11 not limited to turning over to me all of the bankruptcy
12 documents and all of his bank statements for the past two
13 years.

14 He failed to do that. Mrs. Wilfred and myself have
15 been on an incredible hunting expedition for the last two weeks
16 trying to subpoena the documents, and it's been extra-
17 ordinarily cumbersome and expensive, and pursuant to Rule 34B,
18 2B, I would ask the Court to impose sanctions against Mr.
19 Wilfred for his failing to comply with the discovery requests.
20 We are also asking the Court to award us not only the
21 attorney's fees, and for all the costs for the photocopying
22 service, the process subpoena fees and other fees we have had
23 to incur because Mr. Wilfred has failed to comply with these
24 orders.

25 THE COURT: I will certainly consider the attorney's

1 fees and all costs in this matter. However, in terms of your
2 request for sanctions, the Court will certainly consider that.

3 MS. EDINBURG: Thank you, Your Honor. Those are the
4 only preliminary matters I have. I don't know if the Court
5 wants opening statements or not.

6 THE COURT: I think we ought to have some opening
7 statements.

8 MR. WILFRED: May I, Your Honor?

9 THE COURT: She gets to open first unless you have
10 other preliminary matters.

11 MR. WILFRED: That's fine.

12 THE COURT: If you have other preliminary matters, you
13 can raise them.

14 MR. WILFRED: I'm not sure that you would call this
15 a preliminary matter or not, Your Honor.

16 THE COURT: All right, go ahead, Ms. Edinburg.

17 MS. EDINBURG: Your Honor, as outlined in our trial
18 data certificate, there was a marriage that was commenced
19 April 2, 1982, and the parties were separated February 28,
20 1989. One child, Tyler, was adopted during the marriage. He's
21 approximately two and a half years old now.

22 Tyler's custody obviously is a major issue. Mrs.
23 Wilfred has had exclusive custody of Tyler since the
24 separation, and this Court might recall in May, there was a
25 three-hour hearing before Your Honor when Mr. Wilfred asked the

1 Court to set aside the restraining order that had been issued
2 requesting an order for supervised visitation.

3 This Court denied that motion and appointed Ms. Dycus
4 in the middle of that hearing in order to represent Tyler.
5 Mrs. Wilfred has proven herself in the last year and a half to
6 be a fit and proper person to have exclusive, sole custody of
7 this child, and I think one of the biggest and most difficult
8 issue before the Court today is not necessarily focusing on
9 Tyler's custody, but the question of visitation.

10 Mr. David Campbell will be called as an expert
11 witness by Ms. Dycus, and I will ask some questions. Mr.
12 Campbell has been selected and chosen by Mr. Wilfred to do this
13 supervision. I met Mr. Campbell for the first time yesterday
14 morning. Mr. Campbell has had in excess of 500 hours of
15 observation of Mr. Wilfred with his child, and has some pretty ✓
16 serious and significant concerns about Mr. Wilfred's bizarre
17 behavior and inappropriateness and difficulty in terms of
18 properly caring for Tyler and attending to Tyler's best
19 interest during these visitations.

20 At this point, Your Honor, given some of the behavior
21 that's taken place in the last three weeks, Mrs. Wilfred has
22 been very torn about whether or not there should be any
23 visitation, and I would address that I believe more thoroughly ✓
24 in my closing argument.

25 It is our position, Your Honor, based upon the

1 various documents that we will submit to the Court, Mr. Wilfred
 2 is an absolute master and genius at financial manipulation.
 3 Mr. Wilfred has the ability to take money and somehow make
 4 thousands and thousands of dollars and yet, he presents himself
 5 as very poor and is currently in bankruptcy.

6 We believe that Mr. Wilfred's earning capability,
 7 and we will show documents from 1988 and 1989, that his earning
 8 ability is in excess of \$10,000 per month. Therefore, the
 9 child support guidelines in and of themselves don't apply.

10 At the time that we went to Court on July 7th before
 11 Judge Virginia Ware for the third temporary orders, Mr.
 12 Wilfred, at the eleventh hour filed a Chapter 11 which changed
 13 this Court's ability to proceed with the temporary orders
 14 hearing. We at that time had introduced several documents as
 15 exhibits which shows Mr. Wilfred withdrawing \$22,000 from one
 16 bank account, \$36,000 from another bank account, and we will
 17 continue to support our documentation with various witnesses
 18 that we have called before this Court today.

19 Mrs. Wilfred is requesting maintenance. She has not
 20 worked significantly during this marriage other than to be
 21 paid by Mr. Wilfred to assist him in some of the real estate
 22 deals. She will be requesting maintenance.

23 Your Honor, basically the situation with marital
 24 property is one of incredible concerns to me. Mr. Wilfred
 25 during the marriage acquired the Promenade Shopping Center, and

1 that was a multi-million dollar phase. Mr. Wilfred was solely
2 or the primary person in charge of managing those.

3 In early 1989, shortly after the divorce, foreclosure
4 proceedings were brought by both the lender, City Federal
5 because Mr. Wilfred had failed to pay the monthly mortgage
6 payments. In foreclosing those, that resulted in a Chapter 11
7 filing by Mr. Wilfred. Yet he continues to be debtor and
8 possessor and managing the rent of those property. One
9 property was in excess of \$70,000.

10 We believe that there is a minimum of \$300,000 that
11 Mr. Wilfred in 1989 has taken which is unaccounted for. We
12 have tried to do tracing. We will show the Court to the best
13 of our ability, what documents we have. We cannot find out
14 what's happened to that. Mr. Wilfred had converted to a
15 Chapter 7 the day after Your Honor issued an order for the
16 \$75,000 that was in the bankruptcy court's registry.

17 The Court might recall that there was a telephone
18 conference, I believe in May of this year. Mr. Wilfred at that
19 time was represented by Mr. Moore of Mr. Epstein's office. Mr.
20 Wilfred indicated to the bankruptcy court that he was working
21 everything out with his creditors. He wanted the \$75,000
22 released to him. I even asked this Court to take jurisdiction
23 over that money.

24 Mr. Wilfred's Chapter 11 has put us in a very
25 precarious situation because anything we find particularly now,

1 belongs to the bankruptcy court. Mr. Jeffrey Hill, who is a
2 bankruptcy trustee, he's very interested in these proceedings
3 as well. Given the dilemma that we're in, it's going to be
4 difficult for this Court to issue a property settlement. So I
5 think any property that is due Mrs. Wilfred is going to have to
6 be given to her in the form of maintenance and child support.

7 With respect to other issues, there's a home that
8 Mr. Wilfred is living in despite the fact the home is twice --
9 once gone into foreclosure. Mr. Wilfred has the ability to
10 cure the mortgage at the eleventh hour. We're asking that that
11 home ordered to be sold, that Mrs. Wilfred have the ability to
12 maintain that sale.

13 We don't believe that Mr. Wilfred will cooperate with
14 that sale, and Mrs. Wilfred is listed on both of the mortgages
15 encumbering that home. Your Honor, I don't know whether there
16 is a dispute about personal property or not. I'm sure we're
17 not going to get into the pots and pans today. We have
18 provided a detailed list on the back of our financial
19 affidavit regarding the items that are in Mrs. Wilfred's
20 possession. If the Court wants to hear testimony, we'll do
21 so.

22 At this time, Mrs. Wilfred will be asking for a
23 permanent injunction against Mr. Wilfred from contacting and
24 harassing her. At this time, I would tender to the Court, the
25 Petitioner's original financial affidavit.

1 THE COURT: All right. Mr. Wilfred?

2 MR. WILFRED: First of all, Your Honor, let me
3 apologize for my behavior yesterday. I was pretty nervous
4 about being here and having to represent myself. My attitude
5 was poor especially towards you, so I'd like to apologize.

6 THE COURT: All right.

7 MR. WILFRED: However, my position as I stated
8 yesterday remains the same, Your Honor, and with your
9 permission, I'd like to restate that for the record.

10 THE COURT: All right.

11 MR. WILFRED: I cannot in good conscience participate
12 in this proceeding as long as I believe my constitutional
13 rights of due process and religious freedom have been and are
14 being violated. That's all I have to say, Your Honor.

15 THE COURT: All right.

16 MS. DYCUS: Your Honor, the Guardian ad Litem would
17 waive an opening.

18 MS. EDINBURG: Your Honor, given the fact that
19 custody is the most important issue before the Court today, I
20 think Mr. Dave Campbell is the most appropriate witness to go
21 first, and I've met with Mr. Campbell and asked him to be
22 present so Ms. Dycus will do direct examination of him if
23 that's okay.

24 MS. DYCUS: Your Honor, I would call David Campbell
25 to the stand.

1 DAVID CAMPBELL,
2 was called as a witness to testify, having first been duly
3 sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. DYCUS:

6 Q Mr. Campbell, I understand that you have a condition
7 of the vocal cords that makes it difficult for you to speak up.
8 If anyone of us has trouble hearing you, we'll let you know.
9 If you will pull the microphone closer and sit up closer to it,
10 that will help. Would you state your name and address for the
11 record, please.

12 A My name is David Campbell, 7073 East Maplewood
13 Avenue, Englewood, Colorado 80111.

14 Q Okay. Would you lean just a little bit closer.
15 Thank you. Mr. Campbell, are you here today under subpoena?

16 A Yes, I am.

17 Q Okay. Would you please tell the Court how you
18 happened to be acquainted with the parties in this case?

19 A I responded to an ad at the Denver Seminary for
20 visitation supervision to which last June I started working for
21 Harmon Wilfred, and I have been doing three visits a week for
22 approximately three-quarters of an hour for a total of 130
23 visits for approximately 425 hours' worth of visitation.

24 Q Okay. Now, would you tell the Court what kind of
25 education you have?

1 A I have a Bachelor in Psychology, a Masters in inner
2 personal process both of them at Temple University of
3 Philadelphia. I'm a registered hypnotist and also in
4 psycholinguistics.

5 THE COURT: What's that?

6 A The form of pre-psychotherapy. I'm also certified
7 in psychophysiology which has to do with the study of the
8 inner action between the brain and body chemistry particularly
9 related to stress disorder.

10 Q Can you tell the Court what was involved in
11 your Masters in inner-personal communication process?

12 A Certainly. The Masters degree was primarily a
13 study -- a two year study of major psychotherapy and the
14 understanding of communication and its application for
15 therapy.

16 Q Now, would you tell the Court what, if any,
17 experience that you've had in the working world.

18 A Quite a bit, actually. There's been so much. Would
19 you like me to focus in on anything in particular?

20 Q Well, why don't we look at perhaps the last five
21 years.

22 A Okay. For the bulk of the last five years, I was
23 self-employed. I do freelance writing and editing. I'm
24 currently a student at Denver Seminary. I occasionally do odd
25 jobs on the side. I've been selling water filters for a

1 company up in Boulder.

2 Q Do you have any training or experience in counseling?

3 A Yes, I do.

4 Q Have you ever practiced as a counselor?

5 A I've had a private practice in Lakewood for
6 approximately three years.

7 Q Okay. Let me get one thing real clear, do you have
8 any educational background or specific experience in visitation
9 -- supervised visitation?

10 A No, I do not.

11 Q Okay.

12 MS. DYCUS: Your Honor, I would offer Mr. Campbell
13 as an expert in inner-personal communication processing and
14 applied psychology.

15 MS. EDINBURG: I have no objection.

16 THE COURT: Sir (Pause) Mr. Wilfred, you don't
17 care to speak?

18 (Whereupon, Mr. Wilfred did not respond verbally,
19 nor did he look at the Court when being addressed.)

20 THE COURT: All right. Go ahead.

21 MS. DYCUS: Thank you.

22 Q (By Ms. Dycus) Mr. Campbell, what was your under-
23 standing of your role as a visitation supervisor?

24 A I have responded to the Court primarily to uphold
25 the wife's custody over the child. I was there primarily

1 as an observer to see that those custody orders were upheld.

2 Q Now, you've already indicated that you're here under
3 subpoena. Did you have any concerns about testifying?

4 A I did. I suspect Harmon of being a very vindictive
5 human being. I've had some concerns about speaking.

6 Q Do you feel there have been threats against you?

7 A One valid threat, one day when we were driving down
8 I-25, and I, of course, have a pickup for the visitation,
9 Harmon, out of the blue, started discussing the whole business
10 of visitation supervision and alluded to the fact that a person
11 in my position without liability insurance could be at risk
12 when the bullets start to fly as he said in court when both
13 parties could point to a person in my position and blame the
14 conditions on the supervisor.

15 Q Let's talk about the visits. Would you describe for
16 the Court just the mechanics of the visits, where they
17 occurred, how long they were, that sort of thing?

18 A Typically, Harmon would pick me up at my home at a
19 quarter to three in the afternoon, Tuesday, Thursday, and
20 Sunday afternoon. We would then proceed during the week to
21 Promenade Shopping Center where the day care is located where
22 we would pick up Tyler. That's the location where Sandy works.
23 She was also there at the time. We would then go almost
24 invariably back to the house -- back to Harmon's home where the
25 visits would take place. Sandy would come and pick up Tyler

1 and myself at 6 o'clock, drop me off at my house and then
2 proceed from there. On Sunday, basically the same routine
3 except in recent months, we've gone up to Harmon's -- excuse
4 me, Sandy's residence in North Denver to pick up Tyler.

5 Q Now, what have you charged for this supervision?

6 A It's \$10 an hour.

7 Q Mr. Wilfred has paid you?

8 A Yes, he has.

9 Q Would you describe for the Court what Mr. Wilfred's
10 interaction are like with Tyler?

11 A From my perspective, they tend to be, in a sense,
12 Harmon is very active and involved with Tyler, and the visits
13 tend to be, to my mind, very busy for the child from beginning
14 to end; constant interaction. I would say Harmon is in the
15 child's face.

16 THE COURT: Is what?

17 A In the child's face almost every minute of the day,
18 very readily, very heavily directing his attention to the
19 interaction, etcetera.

20 A How does Tyler respond to this?

21 A Well, he loves it. It keeps him real busy.

22 Q Does he keep going for the entire three hours of
23 the visit?

24 A Yes.

25 Q How does he act?

1 A It's a very active, very full three hours, typically.

2 Q How does he act at the end of the visits?

3 A Typically, the visit is -- well, around 5:15 or
4 so after, Harmon and Tyler take a bath. Harmon will bathe
5 Tyler. Then they will come out of the bathroom, relax on the
6 sofa for a few minutes. It's not unusual for Tyler to be
7 quite eager to reast at that stage and want to just relax.
8 Occasionally, he just wants to cuddle up to his dad. Harmon
9 will frequently start something going at that point whether it's
10 playing basketball in the living room or pillow fighting on the
11 sofa, so they're back into heavy interaction -- heavy active
12 commitment, etcetera.

13 One of my concerns during the course of
14 visitation, has been that towards the very last when they are
15 very busy playing in the living room, Tyler is racing around
16 really getting up steam, Sandy drives up, and Harmon insists
17 that Tyler stop playing just in a moment's notice and get ready
18 to go. This has frequently resulted in a struggle between the
19 two where time after time, Harmon has literally had to put the
20 child on the floor to get him into his coat and get him out of
21 the door. That seems to me rather a backward approach to
22 the separation.

23 Q Now, he describes that kind of behavior as willful,
24 didn't he?

25 A Yes, and one may comment to at least on two

1 occasions that I recall, Tyler was being willful, he was going
2 to win.

3 THE COURT: Tyler is two and a half?

4 A Yes.

5 THE COURT: You've been doing this for 18 months?

6 A Yes.

7 THE COURT: Is Tyler potty-trained?

8 A Uh-hum, yes.

9 Q (By Ms. Dycus) Harmon has taken a strong interest
10 in that?

11 A Harmon has taken a strong interest in the potty-
12 training of the child.

13 Q Okay. Have you had any observation which relate to
14 medical concerns?

15 A Harmon and Sandy apparently disagree on the use of the
16 doctor's medications. Tyler is prone to ear infections in his
17 life. He gets a number of ear infections that the doctor
18 typically medicates him for. Harmon objected to the
19 medication, and on a number of occasions, has simply made the
20 statement that he would let Sandy take care of the medicine.
21 He wouldn't bother with that sort of thing.

22 There was one incident where Tyler was under
23 medication. The doctor had requested that he not receive
24 dairy products, that he spend the time during the visitation
25 full mode. A request was passed on to me by Sandy for Harmon

1 to make sure he didn't have dairy products. The visitation as
2 as active as usual.

3 In the course of the pick up for one visit, when the
4 child was brought out, there were instructions regarding
5 medication and his current condition. Harmon made the
6 statement that he refused to believe, in Jesus name, that the
7 child was sick. That there was, in his words, too much
8 illness. He had the attitude at that time, that the child was
9 well.

10 Q To your knowledge, has Harmon ever taken the child
11 to the doctor during the time that you've been involved?

12 A Yes, on a couple of occasions, Sandy has had
13 concerns about Tyler health. At the beginning of a visit, she
14 had made an appointment which had previously been scheduled
15 where she has arranged through me with Harmon for a doctor's
16 visit to take place during the visitation, primarily, I
17 think from the standpoint that the doctor's office is
18 located close to Harmon's home, isn't that far from mom's home,
19 so we would to take Tyler to the doctor's.

20 The most recent indication where Sandy requested that
21 we go up north to pick up -- I'm sorry, I'm going to have to
22 pass on that. I don't remember the pick-up arrangements, but
23 Harmon chose not to do that. He wanted Sandy to take the
24 child. He didn't want to be bothered with that.

25 Q Okay. Now, what is Mr. Wilfred doing to Tyler when

1 Tyler goes to Mr. Wilfred's home for a visit?

2 A I clearly felt in the early stages of the visitation,
3 Harmon was indoctrinating the child on each and every visit for
4 some weeks, for longer perhaps than a month, month and a half.
5 When they would arrive or coming up close to the house, Harmon
6 would start talking about home. He said, "We're home, Tyler.
7 This is home," and frequently repeated that phrase, words to
8 that effect a dozen or more times. And I mentioned this to
9 Sandy. She sort of shrugged it off and recognized the issues
10 there. Tyler did seem to have a clear understanding where his
11 home really was. He knew where he slept and where all his toys
12 were, stuff like that. She did recognize that there was a
13 possibility he was indoctrinating the child.

14 THE COURT: Do you feel there's a religious reason
15 for the medical issues? In other words, there are religions
16 that don't believe in medication.

17 A Insofar as I understand the Pentecostal faith that
18 Harmon had belonged to up until recently does not practice any
19 abstention from medicine.

20 THE COURT: Okay.

21 Q (By Ms. Dycus) They don't abstain. Do they do any
22 laying on of the hands or healing through the religion in
23 addition to medical care?

24 A Yes, they do. In fact, there was one incident during
25 a visit where Harmon was teaching Tyler how to lay hands on a

1 doll and heal it. Mr. Clown had gotten burned by the fire, and
2 therefore, had a fever, and it was requested to Tyler to put
3 his hands on Mr. Clown's forehead, and just as he did, Mr.
4 Clown had miraculously cooled off.

5 Q Have you had --- let me start that over. Could you
6 describe Mr. Wilfred's interactions with you to the extent that
7 you're aware of his interactions with people?

8 A Could you ask that in a slightly different fashion?

9 Q Okay. You're not currently doing the visitations,
10 are you?

11 A No, I'm not.

12 Q And why did you stop doing it?

13 A I stopped doing the visitation supervision about two,
14 two and a half weeks ago. Harmon and I have had a significant
15 number of fairly serious discussions about theology and
16 Christian religion over the past year. We butt heads on a
17 number of issues. There were a number of points where Harmon
18 commented about religion would be one thing; his behavior would
19 be to my mind totally opposite of what he's actually saying or
20 what the Christian faith is prone to believe.

21 He's been following the teaching of a fellow named
22 Kenneth Copeland, a well know television evangelist who is
23 teaching, among other things, suggests that since God created
24 us, we are, therefore, children of God which means, therefore,
25 we are little Gods inheriting all the power of God.

1 There's also been, in one our most recent discussions,
2 the whole issues of accountability. The Christian Church
3 recognizes overall that individual members are accountable to
4 no one but God, but to associate with other members of the
5 body, and that in case of a dispute on theology where there's
6 really a question at issue, some real matter at issue where
7 someone's behavior is out of line with what the Christian faith
8 is, that the parties in conflict, like Harmon and myself,
9 should go to a third party that's hopefully, mutually agreeable
10 to both of them as an authority on religious matters, and seek
11 their counsel.

12 In the course of one discussion, I pointed out some
13 significant areas of problems in regard to the accountability
14 of the teachings of Kenneth Copeland to Mr. Wilfred. He was
15 very unhappy about the whole discussion and kept asking me to
16 be silent. I pursued it, and he repeatedly asked me to be
17 silent. I pursued it. I pointed out since we were having a
18 discussion and since Harmon claimed to be a committed Christian
19 and is apparently heavily involved in Christianity in one form
20 or another, that the only scriptural out for a disagreement of
21 this sort was to go to a third party and seek some advice from
22 a from somebody else. He refused to do that. That got
23 me interested in checking that out with other Christians or
24 just to see how best I should proceed in a case like this.

25 The scriptures are very clear. If you have a

1 theological issue with one of your brothers, you are to address
2 that issue to them personally. You are supposed to approach a
3 third party. If that third party's meeting cannot take place
4 or the disagreement has not been resolved, then I would be
5 required to remove myself from the situation.

6 I'm not one to quit easily on a matter like that.
7 I'm concerned for Harmon. I'm concerned for his emotional
8 well-being, for his psychological well-being, particularly for
9 his spiritual well-being. So I thought it would be a good idea
10 for me to see if I could get a third party hoping that the
11 tension from that particular discussion would die down; that he
12 would be agreeable to discuss matters with somebody else.

13 I discussed the matter with my pastor, with Harmon's
14 ex-paster, Pastor Bagwell, with a representative of the
15 Navigator's which is a church ministry, international church
16 ministry based out of Colorado Springs. I have some
17 friendships with their different area representatives. I also
18 discussed the matter with a fellow who is an ex-Denver priest,
19 chaplain and local evangelist. They were pretty much unanimous
20 that I should remove myself from the situation particularly in
21 view of the fact that Pastor Bagwell had separated himself from
22 Harmon and would not permit any of his congregation having
23 anything to do with Mr. Wilfred.

24 He was quite explicit. He spoke to me for perhaps
25 20 minutes or so telling me of some of the problems they had

1 had together. Harmon, for one thing, cast a quote, prophecy
2 against Pastor Bagwell speaking in God's name against the
3 Pastor suggesting doom and gloom for the Pastor personally;
4 that he would lose his pastorate within 30 days which was
5 apparently by January 1st of 1990.

6 At the time I spoke with Pastor Bagwell, which was
7 perhaps a month or so ago, he was still in charge of his
8 church, and doom and gloom had not fallen on it as it had been
9 prophesied.

10 Scripturally, false prophecy is an extremely serious
11 offense. If you're going to speak for God, you have to be
12 correct, 100 percent right, no ifs, ands, or buts, no question
13 about it. The scriptures are extremely clear on this matter.

14 In Old Testament times, which Harmon is quite
15 familiar with having read the Old and New Testament all the
16 way through on a number of occasions, those who cast false
17 prophecy are to be stoned to death right off the bat. So,
18 false prophecies are an extremely serious matter.

19 I have mentioned that to Harmon on at least two
20 occasions trying to get him to see the fact that he had cast a
21 prophecy that was not correct; called into question, his
22 understanding of God and his relationship with God, which
23 Harmon believes is very close and intimate.

24 He has, you know, repeatedly refused to see that, but
25 as a result of these discussions with these four different

1 recognized church leaders, I decided that it was best for me to
2 remove myself from any further relationship with Mr. Wilfred.

3 MS. DYCUS: Your Honor, I'd like to have an exhibit
4 marked.

5 A I think it's worth pointing out that Harmon's
6 behavior within his church has been such that his Pastor wants
7 nothing further to do with him. When I asked the Pastor to
8 counsel with Harmon and myself he flat out refused and said he
9 wouldn't waste two hours of his time on Mr. Wilfred. At this
10 stage, Harmon was unwilling to get any assistance; that unless
11 he could convince me that Harmon had requested the counseling,
12 that Harmon was, in fact, interested in making some changes or
13 looking at his own attitude a bit more deeply, that Pastor
14 Bagwell would absolutely refuse to waste any time, would refuse
15 to permit any of his members of his congregation to do so.

16 I thought it was quite significant in the course of
17 the conversation not only did he mention the false prophecy, he
18 also mentioned the problem with Harmon lying and being
19 deceitful, attempting to split his church, having a
20 relationship with a woman, I should qualify that, having a
21 relationship, a friendship, a business relationship with a
22 woman whom the church had, I guess, officially kicked out, a
23 woman by the name of Phylis Lambert, who was originally the
24 secretary to Harmon Wilfred and was present, as a matter of
25 fact, at some of the early visitations, so I have met the

1 woman.

2 MS. DYCUS: Your Honor, I've had this document
3 marked as Exhibit 1-A. I've provided a copy to Mr. Wilfred and
4 to Ms. Edinburg.

5 Q (By Ms. Dycus) Mr. Campbell, could you identify that
6 document, please.

7 A Yes. This is a document you showed me this morning.
8 It is purported to be a letter from -- excuse me -- a letter
9 from Harmon Wilfred to Pastor Tim Bagwell, and it has the
10 contents of a false prophecy that I mentioned.

11 Q So, it's your understanding that what is written
12 there is the prophecy that was made?

13 A Yes.

14 Q Thank you.

15 MS. DYCUS: Your Honor, I will not be offering this
16 at this time. I would offer it either through Mr. Wilfred or
17 Pastor Bagwell.

18 MS. EDINBURG: I have no objection to it at this
19 time.

20 MS. DYCUS: Then I'll offer it now.

21 THE COURT: All right. Mr. Wilfred, do you object?

22 (Whereupon, the Respondent gave no verbal response,
23 nor did he look at the Court when being addressed.)

24 THE COURT: G.A.L. 1-A will be admitted.

25 (Whereupon, G.A.L. Exhibit 1-A was admitted into

1 evidence.)

2 Q (By Ms. Dycus) Mr. Campbell, I realized through part
3 of your testimony, I failed to ask you how you happened to be
4 answering an add at the Denver Seminary?

5 A Much to my joy and delight, my wife works there.
6 She's been employed there seven years. She originally came
7 across the request and passed it on to me.

8 Q Are you a student at the Seminary?

9 A Yes, I am.

10 Q What are you studying?

11 A I'm going for another Master's degree, and this one
12 will be in New Testament biblical.

13 MS. DYCUS: Also, Your Honor, I would like to offer
14 Mr. Campbell as an expert in the New Testament.

15 MS. EDINBURG: No objection.

16 THE COURT: Mr. Wilfred, do you object?

17 (Whereupon, the Respondent gave no verbal response,
18 nor did he look at the Court when being addressed.)

19 THE COURT: He'll be admitted as an expert.

20 Q (By Ms. Dycus) Thank you, Mr. Campbell. You've
21 indicated that Mr. Wilfred made prophesies, that he has
22 received other messages that he feels, at least, are from God
23 or the Spirits?

24 A Yes. Apparently I gather from some of his
25 statements, he has been told to pursue some of the legal

1 actions over the past year as a result of his conversations.
2 I'd like to mention early in the visitation ---

3 THE COURT: He was told to pursue some of the legal
4 actions, you mean by God, is that what you're saying?

5 A Yes, or by the voices perceived to be of God.
6 I think it's worth mentioning that early in the visitation
7 procedures, perhaps a month ago or two months after we began,
8 sometime last summer, Harmon shared some of his writings what
9 he called his writings with me; a writing that he, "received
10 spiritual messages," that had been given to him. The writings
11 were noteworthy from the standpoint, there was confusion of
12 identity as to who was speaking. It would change from the
13 first person to the Spirit -- to the voice of the spirit, to
14 the voice of God. I pointed out some of that confusion to
15 Harmon.

16 As a result of me pointing some of the errors in
17 his thinking about Christianity, particularly in regard to that
18 issue, he slowly but surely stopped sharing that kind of
19 material to me, stopped opening up to me about his practice of
20 religion.

21 Q (By Ms. Dycus) Mr. Campbell, referring you again to
22 Exhibit 1-A, is this representative of the kinds of things that
23 you saw in the writings he showed you?

24 A Yes, it is, and I think in writing that, I saw the
25 identity -- the confusion was more marked than it is in the

1 prophecy that was submitted.

2 MS. EDINBURG: I didn't understand what you said.

3 A I think the writing that I saw, the confusion of the
4 identity was even more marked than it was in the documents
5 that Susan just handed to me.

6 Q (By Ms. Dycus) Now, do you feel there is any chance
7 that what you're saying is an identity confusion, could have
8 been a writing style or poor writing ability or anything like
9 that?

10 A Poor writing ability, no. Harmon is a very
11 intelligent, competent human being. He writes well. I
12 believe he writes prolifically, so, no. What was the other
13 part of your question?

14 Q Whether it would be a writing style?

15 A It could be, but if so, it's a poor one from my
16 standpoint, as an editor and writer, it would be more to
17 confusion for your average reading to follow, and any
18 consistent reading of it -- I mean, what you're writing, you
19 need to make it clear where the ideas are coming from. If, in
20 the course of a one-page document, the person writing, and the
21 person speaking changes from Harmon to the Spirit to God, to a
22 thing in just a matter of sentences, it gets pretty confusing.

23 Q Okay. Mr. Campbell, you have a unique background and
24 expertise both in religion and in counseling. Where does one
25 draw the line between a very devout religious person and

1 someone who has become hyper religious in a psychiatric sense?

2 A It's not always an easy line to draw. A point that I
3 have brought up a number of times with Harmon, at least one in
4 writing to Harmon, has to do partly with the nature of truth.
5 Harmon claims the truth is passed on to him directly. In
6 essence, that truth can apply, supersede the scriptures from
7 the Christian standpoint.

8 There are four basic ways of recognizing truth. One
9 is scripture, one is the Spirit as it impinges on you, the
10 other is personal experience, the wisdom of our own experience
11 and history of others, and the fourth is the witness of other
12 committed knowledgeable Christians. So scripture, the voice of
13 God, past experience, good judgment, call it.

14 Harmon won't recognize the importance of anyone
15 else's opinion regarding Christian matters. At the point in
16 one conversation, we discussed a number of times the issue of
17 divorce, pursuing lawsuits, pursuing a position of leadership
18 in the church which Harmon has apparently been doing, and the
19 scriptures that relate to him. It's real clear from the
20 scripture Harmon should not be pursuing a position in the
21 church. Harmon should not be pursuing a lawsuit.

22 THE COURT: I'm sorry, I didn't hear you.

23 A Should not be pursuing a lawsuit if it's all
24 avoidable. His position in regard to his wife is that he
25 still recognizes, as the church does, that he and his wife

1 should be one.

2 THE COURT: Has the fact that she wants a dissolution
3 of marriage created some of this?

4 A Not that I know of.

5 MS. DYCUS: I think Mr. Campbell has Mr. Wilfred's
6 religious background.

7 Q (By Ms. Dycus) And you understand it?

8 A I understand that he was raised Southern Baptist.
9 From hearsay, I understand that he was kicked out of the
10 Southern Baptist faith. I understand from Sandy in a
11 conversation yesterday or the day before that he told her that
12 he had been kicked out of the church. His mother apparently
13 reports otherwise. Harmon's mother apparently reports
14 otherwise.

15 Q Excuse me, Mr. Campbell, could you lean forward a
16 little closer to the microphone.

17 A Within the past three years, Harmon has been heavily
18 involved in Judaism, the New Age religion, and Christianity.
19 So he'd heavily invested through different times, to my
20 knowledge, to three rather significantly different religions.

21 THE COURT: You said Judaism, New Age, and what was
22 the other one?

23 A And Christianity.

24 Q (By Ms. Dycus) Mr. Campbell, you indicated that it
25 was hearsay to you that he had been kicked out of the Southern

1 Baptist church. Is it consistent with what you do know of your
2 own knowledge about him, would that be consistent?

3 A If I understand the question correctly, you're asking
4 me if, out of my knowledge, I know one way or the other whether
5 Harmon was kicked out of the Southern Baptist church?

6 Q Now, sir, you've indicated you don't know that of
7 your own knowledge. I'm asking, based on what you do know,
8 would that be consistent? Is there a pattern that fits this?

9 A Well, in a sense, I have to say, yes, although I'm
10 sure the Southern Baptist thing took place when he was a
11 teenager. He's committed to religion. It seems to be fairly
12 short and intense.

13 Q Now, in your discussions with Mr. Wilfred, do you
14 have any sense of whether he would follow these messages he
15 gets from the Spirit over, for example, a Court order?

16 A Given the fact that Harmon doesn't seem to be either
17 accountable to anyone but himself, and the voice that speaks to
18 him and given the conversation with Pastor Bagwell and the
19 letter from Pastor Bagwell to the Respondent in response to a
20 subpoena for information, I would say Harmon would do what the
21 voices told him to do regardless of whether or not that was in
22 violation of established law.

23 Q I'm not aware of anyone, but Mr. Wilfred is saying
24 that people are saying he's a religious fanatic. Let me ask
25 you that question. Is he a religious fanatic?

1 A I would say, yes, from the standpoint that by
2 definition, a person is a fanatic when he has extremely
3 critical beliefs either religiously or politically, critical
4 from the standpoint where some point is at issue, Harmon is
5 more than willing to take his own opinion as gospel rather than
6 pursuing another opinion from someone else in matters of faith.
7 I gather from his wife that both of his previous four areas
8 into religion have been sparked by the presence of a business
9 partner. Judaism was one case; New Age was another. He then
10 became a Christian as a result of a business associate. Each
11 time he's with a business partner, he's committed to taking on
12 a new religion.

13 Q I believe you indicated in your testimony earlier
14 that Mr. Wilfred was manipulative. Could you give the Court
15 some examples of that?

16 A I mean that Harmon is a master at manipulation. He
17 has bragged to me, and again I use the word brag carefully;
18 that he has taught manipulative sales techniques; that he's an
19 expert at manipulative sales techniques.

20 There was one incident where he was considering
21 buying an Alpine stereo system for his car, and the salesman
22 was using a number of sales techniques on him, and Harmon
23 commented on the fact that he just loved watching the guy work.
24 He really loved it when people tried that stuff on him. After
25 all, he taught it and trained people in it, and that he was a

1 master in it himself. He's an extremely controlling person.

2 I think he, as well as being manipulative, he
3 comments that in dealings with a fellow by the name of Leo
4 Weiss, who was a bankruptcy trustee in the past, that he was,
5 I'll say, sideling up to the man seeking his advice, asking
6 questions of him as if he were hungry for advice, etcetera,
7 with the knowledge that Leo would respond to that kind of
8 response. He had heard through the grapevine that Leo was
9 approachable that way, and that's the way he was approached.

10 Q Can you give the Court any examples of manipulation
11 with Tyler or Mrs. Wilfred?

12 A One incident that I thought was kind of snotty, was a
13 number of months ago, Harmon piled all of Sandy's possession in
14 the garage and asked me to ask her to come pick them up. And
15 among those possessions was a large carton full of documents,
16 tax records, business receipts, whatever. A week or so later,
17 Harmon requested through the Court that those documents be
18 photocopied and sent to him. That apparently cost Sandy in
19 excess of \$300 photocopying those things. Judging from the
20 comments that the wife had made, this has been a consistent
21 and reoccurring process throughout these divorce proceedings,
22 that he has been keeping the pressure up in that way, and it
23 had been pretty constant.

24 That seems consistent with his behavior in my
25 presence. Harmon likes to win. He does not quit. I've seen

1 documents that indicated that that was actually one of the
2 things that attracted Sandy to him in the first place. He did
3 not give up. An incident I found somewhat funny and kind of
4 frustrating at the same time was during the early stages of
5 visitation, I was taking quite a few photographs at Harmon's
6 request, and Harmon had gotten some developed. He mentioned
7 this to me during the pick up -- on the way to the pick up of
8 Tyler, that he had a batch of photographs. He had put them
9 in an album. When we got back to the house, that album was
10 sitting on the sofa right where I normally sat. I sat down
11 with my books and pushed it aside and proceeded with my work
12 which was something I wanted to do.

13 Probably five or six times during the visitation,
14 Harmon stepped into the room and asked me if I had looked at
15 the photo album yet. It had gotten to the point where I wasn't
16 particularly eager just because I felt I was being pressured.
17 It's a small point. When we sat down to dinner, Harmon and
18 Tyler would eat dinner together. I would sit and keep them
19 company. I wouldn't eat because I wanted to eat dinner with my
20 wife. He mentioned the photo album again. This was probably
21 the eighth or ninth time but now.

22 At the very end of the visit when we were sitting
23 together around the coffee table in the living room, he reached
24 over and picked up the photo album and handed it to me. That
25 was just kind of a classic instance of many over the course of

1 the visitation of what Sandy must have had to put up with in
2 terms of control and behavior. The pressure must have been
3 constant.

4 In terms of watching Harmon's actions with Tyler, I
5 think that's doubly apparent, the interaction was almost
6 constant. The pressure is almost constant. I have made the
7 comment to Susan what she thought was relevant in Harmon's
8 presence, Tyler has not much of an opportunity to be himself.

9 Q Okay. Now, has Mr. Wilfred ever made any statement
10 to you about representing himself in court or being in court?

11 A Harmon loves being in court. He admitted it to me.
12 He has said that in the courtroom, he likes the controversy.
13 He has bought law books to improve his ability in court, and
14 he has made jokes. He has made the comment that maybe he
15 should become a lawyer. He looks forward to the controversy.
16 He likes the battle. I might add those were statements he has
17 made directly to me. That's not an inference.

18 Q Do you have any concerns that Mr. Wilfred could
19 try to take Tyler and leave the jurisdiction of the Court?

20 A I think Harmon is capable of that particularly if
21 he's guided by those voices in his head which I gather from
22 conversations with Harmon, those voices occur to him when he's
23 in a trance state in his morning spiritual routine. He has
24 commented to me he prays more than anybody else in the City of
25 Denver. I believe that's possibly true.

1 At least in the early stages of the visitation, I
 2 believe that might have been the case. He claims to spend two
 3 hours at it. I gathered from the comment regarding speaking in
 4 tongues and that sort of thing, that by my understanding of
 5 such process, he will spend some of that in a trance state.
 6 He's indicated several times that he has received writings,
 7 hence from the voices.

8 Q Now, was there any time during any of these 130
 9 visits that you had an actual concern that he might be trying
 10 to leave?

11 A On one occasion, we had stopped at the grocery store
 12 to pick up food for Tyler's dinner at King Soopers on South
 13 University. We stopped at the flower selling booth within the
 14 store. Harmon was going to buy some things. I wanted to pick
 15 up something for my wife while he was there. Harmon had no
 16 problem with that and said that he would meet me at the front
 17 of the store by the mechanical horse. It was not unusual for
 18 us to stop and give Tyler a ride on the horse which was again
 19 up front of the store. I was going to be in the front of the
 20 store. I wasn't particularly concerned about Harmon dashing
 21 off with Tyler.

22 At this stage of the visitation, I was comfortable
 23 with him. We had been doing it for a month. I really did not
 24 have any concern with him dashing off. We agreed to meet at
 25 the horse. I was standing in line at the checkout counter, and

1 I glanced over. He was there. I got busy with my own stuff,
2 and a few minutes later, I looked up and he was gone. I walked
3 right over to the front of the store and out the door. He was
4 headed briskly for his car. He was walking right along. He
5 wasn't running. He wasn't poking either. Tyler was kind of
6 hanging over his shoulder looking backwards. He saw me when I
7 came out the door and apparently said something that kind of
8 slowed down the exit a little bit. I just proceeded up to the
9 car and got in. Nothing was said about the incident.

10 I mentioned it to Sandy. Harmon did act a little bit
11 uncomfortable for the rest of the evening. I mentioned this to
12 Sandy. She wasn't concerned that he was going to abscond with
13 Tyler. She said it was typical. He was just teasing me,
14 pushing me to the limit to see how far he could go.

15 Q Mr. Campbell, this is perhaps a little bit off of
16 what you were doing most of the time, but there are some
17 serious financial issues in this case. Did you ever hear any
18 statement by Mr. Wilfred about his financial condition?

19 A He has pleaded poverty on a couple of occasions, but
20 made it clear to me that paying for visitation supervision was
21 a priority which I was very happy about. He's paid money to me
22 for some of the expenditures he's made during the course of the
23 visitation.

24 Again I'll use the word brag. I hate to lay that at
25 anybody's doorstep. He's prone to do that. He has commented

1 that the cost of his car is \$22,000. He's talked to me about
2 buying new ski gear. He's bought three cords of oak firewood
3 for the fireplace. There were other things that to me seemed
4 kind of inconsistent with a person who was in bankruptcy,
5 particularly Chapter 7 bankruptcy. His car has a car phone.
6 It's in the shop, I would guess during recent months for
7 visitation, has been in the shop perhaps on the average of
8 three times a month, mostly for fine tuning rather than service
9 or significant repairs. From my knowledge that I've had in
10 bankruptcy, they probably wouldn't issue that. It kind of
11 struck me just thinking about my own situation.

12 Again, if I were in bankruptcy having a car phone and
13 paying the kind of bills that entails having my car detailed,
14 professionally cleaned by somebody else that costs in excess of
15 \$75 and having it professionally washed and polished every week
16 by somebody who apparently came out to the house. I think
17 there was a team of two guys that came out to the house to clean
18 the house. That would be an unusual expense for me to
19 maintain.

20 Q I think, Mr. Campbell, do you have concerns for
21 ongoing visitation between Mr. Wilfred and Tyler?

22 A I do. I mentioned I have those concerns. Well,
23 I guess, I've mentioned a number of times, most recently when
24 Harmon believed that visitation should be totally
25 unsupervised. I disagreed. I don't think he should be in the

1 presence of a child without adult supervision for a variety of
2 reasons.

3 Q I'm having trouble hearing you.

4 THE COURT: Maybe we ought to take a recess. You've
5 been on the stand well over an hour.

6 (Whereupon, a brief recess was taken at 10:56 a.m.)

7 MS. EDINBURG: Your Honor, with the Court's
8 permission, we'd like to interrupt Mr. Campbell's testimony.
9 Pastor Bagwell, from the church, is here. I have very few
10 questions, and Ms. Dycus has agreed.

11 PASTOR MARK BAGWELL,
12 was called as a witness on testify on behalf of the Petitioner,
13 having first been duly sworn, testified as follows:

14 DIRECT EXAMINATION:

15 BY MS. EDINBURG:

16 Q Would you state your name, spelling your last name
17 for the record.

18 A Mark, M-a-r-k, Timothy Bagwell, B-a-g-w-e-l-l.

19 Q How should I refer to you, Pastor or Reverend?

20 A Pastor or Reverend, I don't care.

21 Q What is your occupation?

22 A I'm a pastor.

23 Q Where?

24 A Word of Life Outreach Center.

25 Q How long have you been a pastor?

1 A I've been pastor there for the last -- a little
2 over five years. I've been a minister for 20.

3 Q Okay. Do you refer to yourself as a pentecostal
4 minister?

5 A That's as good a title as any.

6 Q The Word of Life Church is, as I understand it, a
7 church that is of the pentecostal faith?

8 A Yes.

9 MS. EDINBURG: Does the Court want more information
10 about that, or is the Court familiar with that?

11 THE COURT: I'm not familiar with it, so if you
12 think it's part and parcel of my need to know, go ahead.

13 MS. EDINBURG: It's only in terms of trying to
14 protect the record as far as the nature of his religious
15 faith.

16 THE COURT: All right.

17 Q (By Ms. Edinburg) Could you describe briefly
18 what beliefs the pentecostal church holds?

19 A For the most part, our beliefs are very much, I
20 believe, standard with majority christian evangelicals.
21 We believe we are classified as born again, have had salvation
22 experience. We do believe in the baptism of the Holy Spirit
23 with the evidence of tongues. We believe that God can still
24 can heal the sick, and the Lord is still able to perform
25 miracles and really function in divine capacity in this day.

1 Q How long was Mr. Wilfred a member of your church?

2 A Mr. Wilfred attended our church, I would say,
3 approximately a year or so, give or take a few months or
4 weeks.

5 Q And do you recall that you came to court, I believe
6 as Mr. Wilfred's witness in a temporary orders hearing in June
7 of 1989, before Referee Virginia Ware?

8 A Yes.

9 Q You testified for Mr. Wilfred, and Mr. Hinds
10 examined you; is that correct?

11 A That's right.

12 Q And at that hearing, I cross-examined and ask you
13 several questions about Mr. Wilfred's religious beliefs at
14 that time; do you recall that?

15 A Yes, I definitely do.

16 Q It was not a pleasant experience I'm sure. I was
17 concerned about your stating to the Court at that time that Mr.
18 Wilfred's beliefs and religious practices were consistent with
19 your church; do you recall that?

20 A Yes.

21 Q And do you now believe that Mr. Wilfred's beliefs and
22 practices are still consistent with your church?

23 A Since that time, Mr. Wilfred has discontinued to
24 associate with our church.

25 Q Why is that?

1 A I'm not -- I'm not totally aware of exactly the
2 reasons behind it other than he stated to me in a letter
3 that he felt that the Lord had directed him to not attend Word
4 of Life any more, and so his reasons behind that would only be
5 a presumption on my part.

6 Q But I was asking you before that question about his
7 beliefs last June when you believed that his beliefs were
8 consistent with your church, and why do you believe those
9 beliefs are no longer consistent with your church?

10 A Well, first, I believe that our church teaches very
11 strongly that people need to be involved. We need to be
12 involved in a church home. They need to have a pastoral
13 minister that they can counsel and get direction from. We hold
14 to some strong beliefs, that is, the Word of God.

15 If there are issues that deal with what I, myself
16 consider a personal direction of God, that those issues do
17 align with the scriptures; that our actions are what I would
18 consider to abide by the laws and the statute of the land.
19 It's hard for me to say his beliefs are in total direct
20 conflict as much as I feel about his departure which there was
21 some issue that put him into conflict either with myself or
22 what our church stood for.

23 Q Do you believe it's possible for yourself or members
24 of your church to get communications from God?

25 A Yes.

1 Q Do you believe that Mr. Wilfred is getting direct
2 communication from God?

3 A Let me answer that question in this way. It is
4 impossible for me to go inside somebody's head or go inside
5 someone's spirit and say what is going on? But I do believe if
6 a person, by inspiration, has God dealing with him personally in
7 their heart about a particular issue, then I believe there are
8 some things that should consistently stand.

9 Number one, if someone says, the Lord dealt with me
10 to do this, and then down the road dealt with me or spoke to me
11 to do something else, first of all, I don't believe that God is
12 in conflict with himself. I don't believe, you might say,
13 that God tells us to go this way and then tells us to go the
14 complete opposite of what he told us the first time.

15 The only way I can illustrate that is that a few
16 weeks before, Harmon wrote me a letter, and he said the Lord
17 spoke to me, or the Holy Spirit dealt with him to leave the
18 church. And a few weeks before, the Lord spoke to him to
19 completely submit his life and development of his ministry to
20 my ministry and to our church, that we could have help to grow
21 and to develop. Now, what I'm saying in essence with that is
22 that a few weeks before God had directed him to do one thing.
23 Then a few weeks later, God directs him to do another thing. I
24 believe that's in direct conflict with what comes from the
25 Lord.

1 This should have been in agreement with what we
2 classify as the Canons of Christianity, in the inspired written
3 Word of God in both the Old and New Testament. I could not say
4 on all categories, but there seems to be, in certain
5 territories, there seems to be conflict with certain issues
6 which I would say would be scriptural in our personal contact
7 toward our brother and toward other people.

8 So for me to say, does he or doesn't he hear from
9 God, I can't go into his spirit. You know, all I can do is, in
10 a sense, judge his actions to perceive what the Lord said or
11 did not say.

12 Q So, tell us about Mr. Wilfred's actions based upon
13 these, "Good communications," that he gets.

14 A Well, I think the Court is probably more aware than
15 I am of the multiplicity of lawsuits over different things that
16 seem to be surrounding this situation and others.

17 The scriptures gives us very strong teachings on
18 that. As Christians, what we believe is that it's not a
19 totally proper action for one Christian brother to be taking
20 another Christian brother to court because of the damages it
21 would produce to the Kingdom beyond that.

22 Again, I would just say, my observations were that
23 the communications seemed aligned one day, and then would not
24 be on other days, it would go the other way. You are supposed
25 to find an agreement.

1 Q Now, at the temporary orders hearing, you testified
2 one of the major concerns at that hearing was visitation,
3 should it be supervised or not, and Mr. Wilfred had
4 communicated to Mrs. Wilfred the day she left the family home
5 that God told him he must take possession of Tyler. Do you
6 remember he got that communication?

7 A Yes.

8 Q He shared with you he had received that
9 communication?

10 A Yes.

11 Q And I remember asking you, do you recall that if God
12 told him to take possession of Tyler, that that would result in
13 him removing this child from the state or leaving the state; do
14 you recall?

15 A Yes, I remember.

16 Q What was your testimony at that time?

17 A My testimony at that time is that I felt that Mr.
18 Wilfred with his commitment to the scripture would be subject
19 to the principle of abiding by the laws of the land. If the
20 Court directed him that he could not remove Tyler from a
21 certain area of jurisdiction, that I did not feel that he
22 would.

23 Q Do you still hold that same belief?

24 A I will answer that in this way. In my opinion, I
25 feel that Mr. Wilfred has come to a point where there does not

1 appear to be anyone that has pastoral or any kind of counseling
2 influence that can help him decipher at different points in
3 time when he feels God is saying things to him and when he's
4 not. I feel that if he felt strongly that God told him to
5 do something with Tyler, that, again, if he felt it was the
6 at the direction of the Lord, I believe his commitment to
7 what he feels is the direction of the Lord, he would obey that
8 commitment. That is the only way I can answer it, but for me
9 to say what the man will do, I can't.

10 Q So, I understand at this point, you don't believe
11 his faith in the scriptures or his commitment to the church, so
12 to speak, would be sufficient to make him a law abiding
13 citizen, so to speak?

14 A Well, I will put it this way, that I feel that he
15 feels that his life is subject to a higher authority and being
16 subject to that higher authority; that I believe that he would
17 obey that authority above other authority.

18 THE COURT: Let me stop you. Your church does not
19 believe that way; is that correct?

20 A No. I teach our people that God has strictly
21 taught us to be people that abide by the laws of the land.
22 That doesn't mean that as a church, we agree with every law
23 that's in the land, but it does mean that if the speed limit is
24 55, we should obey it even though a lot of us don't. And on
25 major issues, we have to accept that our nation, our states,

1 our country set up certain laws. If we are Christians, we
2 abide by that, and that I believe that God has set things up to
3 where we can be Christians and be law abiding citizens
4 especially in the United States of America.

5 THE COURT: I'm sorry to interrupt you. I have an
6 emergency phone call.

7 (Whereupon the Court took a brief recess from
8 11:25 a.m. to 11:31 a.m.)

9 Q (By Ms. Edinburg) Pastor Bagwell --

10 A Yes.

11 Q During the time Mr. Wilfred was a member of your
12 church, did he make any contributions financially to the
13 church?

14 A Yes.

15 Q And do you know the amount that he contributed to the
16 church?

17 A The Court informed me that I was going to be asked
18 this, so I wouldn't have to speculate.

19 Q Okay.

20 A In the year of 1989, he donated \$4,869 from the first
21 of 1989 through the third week of July 1989.

22 Q Was one of those checks a \$4,000 check in the month
23 of January?

24 A How much?

25 Q Was one check \$4,000?

1 A No, Ma'am. One check was for \$2,000.

2 Q In January?

3 A In January.

4 Q Was a second check in January for \$2,000, the total
5 donation for the month of January 1989?

6 A No, Ma'am, it was not.

7 Q Do you know what the total was for '88?

8 A No, I -- I asked my office when it was told to me
9 that this would be asked, but the '88 files were put away.
10 They're easily accessible from my administrator, but there was
11 not any substantial donations in '88.

12 Q Does your church ever receive anonymous donations?

13 A There are gifts with no name attached.

14 Q Is that yes?

15 A I suppose that we have.

16 Q Did you announce last year, 1989, to the congregation
17 that the church had received \$30,000 from an anonymous
18 donation?

19 A Yes, I did. That donation did come in from
20 Mr. Wilfred.

21 Q How do you know that?

22 A I know. I found out who the anonymous donator was.

23 Q Was there any donation that you've not traced to
24 anybody?

25 A No. Mr. Wilfred never made a donation of that

1 magnitude.

2 Q You're sure?

3 A I'm sure of that. I'm in court. I'm under oath.

4 Q The Court has received in evidence an exhibit.

5 MS. EDINBURG: If I may approach the witness.

6 Q (By Ms. Edinburg) I'll show you a copy. It's a
7 letter written, I believe, to you. Do you remember receiving
8 that?

9 A Yes.

10 Q And who wrote the letter?

11 A Mr. Wilfred.

12 Q And what was your response and reaction to this
13 letter?

14 A I asked him to leave my office. He hand-delivered
15 it to me and asked me to read it in his presence.

16 Q Do you believe that these words in the letter are
17 in fact, these messages that he gets from God? Do you
18 believe that this is a valid communication that he's received?

19 A Well, in the letter, it said, "Unless you, the
20 leadership, turn to me totally and completely and destroy your
21 idols of pride and self-induced scriptural interpretation in
22 order to justify your sin, I shall remove you from the
23 leadership over the body within 30 days."

24 This was on the morning of November the 30th I
25 received this somewhere within a couple of days after that, and

1 so, if this thing, this communication was valid, I should be
2 out of leadership in my church in 30 days. It also said that,
3 "The entire leadership of the Word of Life shall see my
4 judgment inflicted upon them just as I have done upon Thomas
5 Jones for his deceitful and wicked deeds."

6 Then he instructed me to read the 24th Chapter of
7 Ezekiel. That was a very very strong prophecy, and concludes
8 by, "Thus saith the Lord." I have to say under oath that as I
9 read it, I have not responded to what he said, repent on any
10 issue or change in your direction within our church or
11 within our process with scriptural interpretations, and I'm
12 alive. I'm still in leadership, and no one on my staff has
13 received any type of what I would classify as any judgmental
14 action.

15 Q Thank you.

16 MS. EDINBURG: I have no further questions, Your
17 Honor.

18 MS. DYCUS: Your Honor --

19 THE COURT: I think Mr. Wilfred would go first. So
20 I will ask if he wishes to inquire of Pastor Bagwell.

21 MS. EDINBURG: Your Honor, I just think the record
22 should reflect every time the Court addresses Mr. Wilfred, he
23 remains silent. He's not participated for the record.

24 THE COURT: The record will reflect that.

25 CROSS-EXAMINATION

1 BY MS. DYCUS:

2 Q Pastor Bagwell, were you subpoenaed to come here
3 today?

4 A Yes, Ma'am. I did not want to be involved in this.

5 Q Did you have any concerns about testifying in
6 this matter?

7 A Yeah, I'm concerned about testifying. I just ---
8 this thing has drag on for quite a while, and I just don't
9 especially want to be a pingpong ball involved in this for
10 lack of a better way of saying it.

11 Q Pastor, there's a fine line between a person being
12 very devoutly religious and a person having a psychiatric
13 problem? * 1/7/7

14 A Uh-hum.

15 Q Do you have any -- can you help the Court at all with
16 how to draw that line?

17 A I think that being devoutly religious, I believe,
18 comes into multiple territories. First, our lives become
19 not just directed by God, or our lives do not just become
20 directed by scripture on how it affects us personally, but
21 also in how we can help and how we can love and how we can
22 encourage and come to the aid and assistance of others.

23 Christianity, I believe, is a mixture of blessings,
24 but it's a mixture of sacrifice, and it's a difficult thing,
25 but again, you're dealing with what a person is feeling on the

1 inside of them, what they are hearing. I usually draw my
2 conclusions from the overall stability that a person manifests
3 in their relationships, business, personal involvement with
4 society. I don't believe that Jesus Christ, in a relationship
5 with him, makes us freaks. I believe it makes us unique. I
6 think it makes us deal with things differently.

7 I just think that -- I'm not a psychiatrist. I've
8 had counseling training. I am not a psychiatrist. It's hard.
9 but I have been advised by a psychiatrist that there is a very
10 evident trait that appears at times when people are emotionally
11 troubled, that is when everyone else is at fault for their
12 problems. One side of it that wants or what they totally feel
13 they are solely responsible for everybody's problems that's in
14 their life. They say that's a very telltale sign of some kind
15 of an emotional disorder.

16 Again, I'm not a psychiatrist. I have relied on that
17 at many different times. I believe when anyone starts blaming
18 everyone around them; that every relationship starts to
19 deteriorate. There's a sign of some abnormal stress or some
20 emotional upheaval.

21 Q Do you have an opinion which side of the line Mr.
22 Wilfred was on?

23 A Let me put it this way. I feel he's on the line.

24 Q Okay. Finally, when we spoke yesterday, you
25 characterized Mr. Wilfred's pattern of communication with God.

1 Could you tell the Court about that?

2 A Harmon, for quite sometime, has kept a diary or a
3 written account of his things that God has dealt with him about
4 and spoke to him about, but whatever God lays on his heart,
5 whether scriptural interpretations or business directions or so
6 on and so forth, he always documents this and kept it in more
7 or less of a log. I was not made privy to very much of that.
8 I just know that everything that he felt God was speaking to
9 him personally about the affairs of his life, he put it in
10 written form, and I know that he has many many -- has
11 accumulated many many books or notebooks of these
12 communications.

13 Q Didn't you also say that the pattern of his
14 communications fit his own convenience or were self-serving?

15 A My opinion was that, yes. That's my opinion.

16 Q Thank you.

17 THE COURT: Anything further, Ms. Edinburg?

18 MS. EDINBURG: No, Your Honor.

19 THE COURT: Mr. Wilfred?

20 (Whereupon, the Respondent gave no verbal response,
21 nor did he look at the Court when being addressed.)

22 THE COURT: You may step down. Do you have any
23 more witnesses you'd like to call out of order?

24 MS. EDINBURG: I have a very brief witness, and
25 Mr. Campbell is prepared to stay all day.

1 THE COURT: All right.

2 MS. EDINBURG: I'd call Pat Bush.

3 PAT BUSH,

4 was called as a witness to testify on behalf of the Petitioner,
5 having first been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. EDINBURG:

8 Q Would you please state your name spelling your last
9 name for the record.

10 A Patricia Bush, B-u-s-h.

11 Q What is your occupation?

12 A I'm a real estate developer.

13 Q And how are you currently employed?

14 A I'm self-employed by a company named BED Development
15 Company.

16 Q Mrs. Bush, do you know Mr. Wilfred?

17 A I have met him in the past.

18 Q Were you employed by a restaurant known as Papacitos
19 in the Promenade Shopping Center?

20 A That's correct.

21 Q That's how you got involved in Mr. Wilfred's case?

22 A That's correct.

23 Q Why were you involved, what did you do?

24 A I was hired by Chuck Herrera (phonetic) who is the
25 president of Papacitos. The reason I was hired is he was not

1 obtaining his tenant finish monies from either Harmon Wilfred
2 or the corporation, the Promenade LTD or the other various
3 corporations that were brought up to Chuck Herrera during the
4 course of Papacitos being finished out.

5 Q And did you, in fact, investigate for Papacitos why
6 Mr. Herrera did not receive the tenant finish money?

7 A I did.

8 Q Who was he supposed to receive it from?

9 A It should have been received from the Promenade or
10 Harmon as his attorneys so represented.

11 Q Was Mr. Wilfred, at that time, the majority managing
12 partner, so to speak, of the Promenade, Limited?

13 A That I don't know.

14 Q Okay. Have you, in fact, evidenced that at least
15 on one occasion Mr. Wilfred did not provide Papacitos with a
16 tenant finish?

17 A I did.

18 Q What was that?

19 A I have documentation of a wire transfer from City
20 Federal to the Promenade in the sum of over \$73,000 in 1989,
21 and I also have the check ledger showing a check cut to KCT
22 Construction for that tenant finish money. Those monies were,
23 in fact, not given, none of it to KCT or the restaurant in the
24 Promenade, but that check, in fact, at a later date, was cashed
25 for a much smaller amount of a thousand and some odd dollars.

1 THE COURT: Was the \$73,000 cut for \$1,000?

2 A The ledger supposedly said it was written to KCT for
3 the tenant finish, and I believe the evidence will show that that
4 check was later cashed in November of 1989 and written for a
5 sum of just a thousand dollars.

6 Q (By Ms. Edinburg) Let me see if I can help. I'm
7 going to hand you what's been marked as Petitioner's Exhibit
8 1. Can you identify this document?

9 A Yes. This is a check ledger which I would like to
10 protect the source of this information because I have had a
11 meeting with Leo Weiss, who is the trustee on behalf of the
12 Promenade and City Federal attorneys, because of some death
13 threats not only to me but my client. But this check ledger
14 was documented by my investigation as purporting to be reports
15 to the bankruptcy court as to the checks that were supposedly
16 written.

17 Q So, that's the \$73,000 check?

18 A Check No. 1002 dated 4/4/89 was written to KCT Inc.,
19 for Papacitos in the amount of \$73,286.65. That check was never
20 received by the KCT Corporation, and I do have with me their
21 complete banking files; nor did Chuck Herrera or any other
22 person of Papacitos or KCT receive that tenant finish money,
23 and this dollar figure is reflected by the exact wire transfer
24 from City Federal to the Promenade.

25 MS. EDINBURG: Your Honor, I would offer

1 Petitioner's Exhibit 1 into evidence.

2 MS. DYCLUS: No objection.

3 THE COURT: Mr. Wilfred?

4 (Whereupon, Respondent gave no response to the
5 Court.)

6 THE COURT: Exhibit 1 will be received. Mr. Wilfred
7 does not answer.

8 (Petitioner's Exhibit 1 was admitted into evidence.)

9 MS. EDINBURG: Thank you.

10 Q (By Ms. Edinburg) Ms. Bush, I've handed you what's
11 been marked as Petitioner's Exhibit 2. Can you identify that
12 document?

13 A Yes. It's a check off the First Bank checking
14 account, No. 1002, dated 4/19/89. It was paid to the order of
15 KCT Inc., in the amount of just \$7,386.65, not the \$73,000.

16 Q And that check shows that it was endorsed by KCT,
17 does it not?

18 A I would have to check it. It shows that it was
19 endorsed, but this check was never received by KCT.

20 Q You're sure of that?

21 A I can check the account number just quickly, if you
22 want. I have them.

23 Q Okay. Maybe you can do that.

24 A Okay. KCT received on April 5th a check for
25 \$7,386.65, but they did not receive \$73,000.

1 Q Okay. In the amount of tenant finish was for
2 \$73,000?

3 A That's correct.

4 Q That was \$7,300 --

5 A Eighty six dollars and sixty five cents.

6 MS. EDINBURG: Your Honor, I'd offer Exhibit 2 which
7 is the check.

8 THE COURT: There's another check for \$7,271 on this
9 ledger.

10 MS. EDINBURG: I know. It's really a problem.

11 Q (By Ms. Edinburg) In the course of your investiga-
12 tion, have you found monies that were not paid by Mr. Wilfred
13 on behalf of Promenade to other tenants or Papacitos?

14 A I've been involved in the bankruptch proceeding last
15 on the Promenade issue, and I've attended, I believe, all of
16 the hearings. And he did not list a majority of creditors as
17 well as he did not disclose to City Federal all of the rents
18 that were collected.

19 Q He being Mr. Wilfred?

20 A And Promenade, correct.

21 Q And do you have an estimate of what the amount of
22 rents that were being collected that were not recorded total?

23 A No. Again, it was only a guesstimate because in
24 dealing with City Federal, I've learned that the loan had been
25 written on two if not three occasions, and I have not, to this

1 date, been able to obtain those loan workouts to find out how
2 much rent should have been coming in versus how much rent
3 should have been given to City Federal, but I can say,
4 post-petition, Harmon and his attorneys, when they did turn over
5 all the records to the court, did not record all the tenants
6 that were currently at the Promenade at that time.

7 Q Do you have an estimate based on -- how many hours
8 have you spent in terms of your time working on this whole
9 problem on behalf of Papacitos and City Federal? How many
10 hours have you estimated that you've been involved?

11 A Thousand.

12 Q Do you have an estimate you can provide to the Court
13 of what you think Mr. Wilfred has taken or absconded with or
14 unaccounted for?

15 A As a structural engineer and having had worked for
16 the FBI, in just the department in lender cases, it is in my
17 best estimation that could be upwards of two to seven million
18 that is unaccountable because it was put into property.

19 Q When you say you based it as a structural engineer,
20 can you tell the Court briefly why you're saying that?

21 A Your Honor, my expertise in working with not only
22 the FBI itself, but just the department, I'm capable of going
23 into files of lenders showing that they've been lent "X" amount
24 of money on a project, and I also know how much it costs to
25 build. And given I've been working for the Attorney's General

1 Office in Texas which have led to indictments of lenders, I'm
2 still currently working with the Justice Department on various
3 cases, and hope to pursue an active career in that.

4 MS. EDINBURG: I have nothing further of Ms. Bush.

5 THE COURT: Mr. Wilfred, do you wish to cross-
6 examine?

7 (Whereupon, the Respondent did not respond, nor did
8 he look at the Court when being addressed.)

9 MS. DYCUS: I have no questions, Your Honor.

10 THE COURT: You may step down. Thank you.

11 MS. EDINBURG: Should we resume with Mr. Campbell?
12 I'm going to ask one of my witnesses if he can come back this
13 afternoon.

14 (Whereupon, Mr. Dave Campbell resumed the witness
15 stand.)

16 THE COURT: Mr. Campbell, you're still under oath.

17 DIRECT EXAMINATION (Continued)

18 BY MS. DYCUS:

19 Q Mr. Campbell, in all your observations of
20 Mr. Wilfred, is there any pattern that you're concerned about
21 in terms of future visitation with Tyler?

22 A I have a lot of concerns about visitation. Just
23 briefly, given my personal experience of Mr. Wilfred, the
24 feeling of persecution that he's discussed, he has an
25 evasiveness; the fact that he's lied to me on a couple of

1 occasions, I've been in his presence when he's lied to other
2 people, the spiritual condition is what I perceive to be
3 manic behavior and a strong need to have control over people's
4 behavior, hints of suppressed rage that I see in his discipline
5 of the child; his lack of emotional support or structure;
6 feeling of omnipotence; his difficulty to maintain
7 relationships with other Christians; his relationship with his
8 church; relationship with his business partners, considering
9 his poor understanding of cause and effect in his relationship
10 with Tyler; lack of recognition on his part that he frequently
11 sets up situations in which Tyler will rebel and has to punish
12 Tyler for rebelling; the fact that he's emotionally
13 manipulative; seems to be vindictive in his pursuit of his
14 wife; the fact he lacks insight -- significantly lacks insight
15 in the course of discussing problems, many of the things I
16 have mentioned, to me, with Harmon, I've discussed -- I've
17 mentioned to him and suggested to him the problems. I've
18 discussed the whole issue of false prophecy and the laws, his
19 attitude toward Sandy, etcetera.

20 I've suggested to him these problems and these
21 factors in his life, and he has repeatedly failed to admit or
22 recognize any problems. He has told me outright, "I'm
23 religious. I'm religious. I see no problem. I have no
24 problem." That has been the typical attitude on his part; his
25 failure, downright absolute refusal to recognize that there is

1 anything in his behavior or in his attitude that is potentially
2 troublesome.

3 There's been a certain unwillingness to face reality.
4 For example, he firmly believes that his wife was pursuing or
5 maintaining the supervised visitation to punish him; that she
6 could stop that at any time; that she had the free will to
7 release him from supervised visitation. I told him in our
8 conversation, I did not think that was correct.

9 Following that visit, I called the Guardian ad
10 Litem's office to check that out. She said to me very
11 definitely that Mrs. Wilfred could not drop supervised
12 visitation; that at this stage, that was not in her power. I
13 went back to Harmon and told him that. He just pretty much
14 refused to believe it, which I found pretty amazing.

15 There's been a point in time where Harmon has said to
16 me on no uncertain terms, he feels he's being persecuted or
17 crucified as if he were a religious martyr. I tried to point
18 out to him there was a significant difference between religious
19 persecution and legal prosecution, and I didn't see any
20 evidence of him being persecuted or crucified. And again,
21 there was an unusual failure in Harmon to see or acknowledge or
22 recognize the reality of the situation.

23 Most of these feelings of persecution and lying and
24 identity confusion, I've discussed with him to one degree or
25 another over the course of the past year. And it's come up in

1 other conversations where I've suggested on at least two
2 occasions, "Harmon, you might want to consider getting some
3 counseling, some psychological counseling," and he said he
4 really has no problem. He sees no difficulties.

5 Harmon is friendly. He's congenial overall. I'd
6 have to say we got along. He's extremely outgoing,
7 particularly when it's in his interest. I think basically
8 he can be a good human being if he turns his energy in that
9 direction. He does not seem to have an interest in doing that
10 at the moment.

11 I think one of the things to me, the strongest
12 evidence of a problem, is the false prophecy. I mentioned to
13 him, specifically that might be evident to him the fact that
14 his prophecy proved to be false, that might be evident there
15 was some sort of problem. He flat out refused to accept that.

16 THE COURT: We're going to have to quit. I have to
17 get to a meeting and it's noon. We'll reconvene this matter
18 at 2 o'clock.

19 (Whereupon, a lunch recess was taken at 12 p.m.)

20 THE COURT: We're back on the record with Wilfred.
21 Ms. Dycus, you can recall David Campbell.

22 (Whereupon, Mr. David Campbell resumed the witness
23 stand.)

24 THE COURT: You're still under oath, sir.

25 DIRECT EXAMINATION (Continued)

1 BY MS. DYCUS:

2 Q Mr. Wilfred, when whe left off, you had listed some
3 of your concerns about continuing visitation with Mr. Wilfed
4 and Tyler, and one of these was a hint of suppressed rage. Could
5 you describe that for the Court, if you would.

6 A It's in the course of disciplining Tyler, I've seen
7 Harmon get real worked up on a couple of occasions. The
8 intensity seems to be far greater than the situation dealing
9 with a 19 year old.

10 THE COURT: Sir, do you have children?

11 A I'm sorry?

12 THE COURT: Do you have children?

13 A Unfortunately, no. I recognize that they can be
14 very exasperating in their behavior. Tyler's discipline has
15 always been perfectly acceptable. I've not seen anything
16 overboard in any way either verbal or physical. But there's a
17 sense of so much -- whatever you'd like to call it -- anger,
18 rage that seems to have been behind it on a couple of
19 occasions, but it caught my attention.

20 Q You also mentioned lack of emotional or emotional
21 support structure. Would you describe that more fully,
22 please.

23 A As far as I can tell, I'm not in position to determine
24 that. He has no close friends or contacts. The year that I've
25 been there, there's just been minimal contact with other people.

1 other than that of his business associates, two successive
2 secretaries, and some casual acquaintances with other family
3 and an occasional phone call.

4 THE COURT: Where are his parents?

5 A I believe they're in Ohio, but I'm not sure of that.
6 That concerns me. I hate to see a guy who is having some
7 significant emotional problems without any kind of support
8 structure. He's been cut off by fellow Christians, his church,
9 by his family, and by his wife; apparently by numerous business
10 associates, and it seems he's becoming very isolated.

11 Q (By Ms. Dycus) Mr. Campbell, you also recommended
12 before lunch that there be continued supervised visitation by an
13 adult. Does that -- can that be any adult, or does the adult
14 need some qualifications?

15 A I would be concerned if it were -- if the supervised
16 visits were supervised by anybody other than a professional
17 in some relatively secured surrounding given the fact that
18 Harmon's behavior is somewhat unpredictable at times. There's
19 a hint of rage.

20 Q Now, had you had an opportunity to meet with Mr.
21 Wilfred just a few times, do you think you would have seen all
22 of the things you've testified about today?

23 A No, I don't, because Harmon, on the surface, is a
24 very nice human being. He comes across very credible. He's
25 very intelligent, very competent, very well-spoken. He goes

1 out of his way to be very good natured. I said it before, and
2 I'll say it again, he has a potential for becoming an extremely
3 nice human being, but the potential is there, I think, I'm
4 saddened to say, it's not actualized, not actively.

5 Q Mr. Campbell, you've expressed a number of opinions
6 today. Do you hold all of the opinions that you've expressed
7 to a reasonable degree of professional certainty in your area
8 of expertise?

9 A Yes.

10 Q One final area, I subpoenaed you here today, did
11 I not?

12 A Yes, you did.

13 Q Was there any agreement concerned payment for your
14 expert testimony?

15 A No, there was not.

16 Q Would you like the Court to consider entering an
17 order to compensate you for your time?

18 A That would be pleasant, yes.

19 Q What do you feel is a reasonable hourly rate?

20 A In the past, I've charged \$35 an hour for private
21 counseling. I currently charge \$25 for editing and free
22 language writing. I was thinking \$30 would be reasonable.

23 Q And can you tell the Judge exactly how long
24 you've spent both preparing for your testimony and testifying
25 here today?

1 A I'd say approximately 19 hours.

2 Q I'm sorry?

3 A Approximately 19 hours.

4 MS. DYCUS: I have nothing further, Your Honor.

5 THE COURT: Ms. Edinburg?

6 MS. EDINBURG: Thank you.

7 CROSS-EXAMINATION

8 BY MS. EDINBURG:

9 Q Mr. Campbell, when was the first time that you and
10 I met?

11 A Yesterday.

12 Q Did I ever speak with you on the phone or prepare
13 your examination in any way in this case?

14 A No, you did not.

15 Q You're not hired by Mrs. Wilfred; is that correct?

16 A That's correct. I was hired by Harmon.

17 Q Okay. Let me ask you, first of all, what is your
18 impression regarding Mrs. Wilfred's fitness as a mother with
19 Tyler?

20 A I'd say she's extremely fit to be a mother.

21 Q Have you in any observations, in any of the visita-
22 tions or in any communication with her, found her to be, in
23 any way, detrimental to Tyler's best interest?

24 A No, not in the slightest, not even any hint.

25 Q I'm sorry?

1 A Not even any hint of it.

2 Q Has Mr. Wilfred told you Mrs. Wilfred had horrible
3 parenting skills, and that's why he feels he has to proceed
4 with his custody battle?

5 A I don't clearly recall anything.

6 Q Has he explained to you that he feels he must
7 continue this custody battle, bring Tyler home, so to speak, as
8 he calls it?

9 A I don't recall that he said anything specifically
10 along those lines one way or the other.

11 Q Has he ever said he believes if he's awarded custody
12 of Tyler, that Sandy will return, and they will again be a
13 family?

14 A He hasn't said anything to that effect.

15 Q Do you believe that that may be some of his
16 motivations?

17 A I think it would be conjectural.

18 Q Did he ever tell you that he was told by God that
19 he was to take possession of Tyler last February, the day Mrs.
20 Wilfred left?

21 A No, not specifically.

22 Q What did he tell you?

23 A I don't remember any exact wording. It was along the
24 lines that the voices, the Spirit had told him that he would
25 have custody of his son. He was going to get custody of

1 Tyler.

2 Q Had he ever told you he'll stop at nothing until
3 Tyler is with him?

4 A I've heard that by hearsay. I have not heard it
5 directly.

6 Q You have --

7 A I have not heard it directly, no.

8 Q I'd like to spend a little bit of time talking
9 about this photographing in the bathroom from Mr. Wilfred.
10 Mr. Wilfred and Tyler take baths together; is that right?

11 A That was true in the first few months of
12 visitation, yes.

13 Q Was Mr. Wilfred dressed? Did he have any bathing
14 suit on, or was he naked?

15 A He was wearing a swimming suit -- excuse me,
16 swimming trunks on for my benefit, I believe.

17 Q For your benefit. Had you not --

18 A Which I thought was --

19 Q -- been there --

20 A -- which I thought was polite.

21 Q Had you not been present, he probably would not have
22 had swimming trunks. Did you think this was unusual or strange
23 taking baths with his son?

24 A No, I did not.

25 Q Now, how frequently were these baths?

1 A Every visit. I gather that privilege was requested
2 by him of Sandy.

3 Q Do you think that this behavior seemed unusual or
4 inappropriate to you?

5 A Unusual, yes. Most of the guys I know would not
6 be at all interest in giving a kid a bath.

7 Q Even if they were not clean?

8 A I thought it was a bit unusual to want to have some
9 of the photographs taken.

10 Q Now, you also mentioned, I believe on ---

11 THE COURT: All the photographs were of them
12 bathing?

13 A No, by no means. I took quite a few pictures at
14 Harmon's request particularly during the early portion of
15 our year-long stint of visitation, and they would have been a
16 wide variety of circumstances.

17 Q You mentioned that Tyler is potty trained?

18 A Yes.

19 Q And Harmon had unusual interest in that. Would you
20 elaborate, please.

21 A Again, most of the guys I know would tend to steer
22 clear of that and handle it with minimal interest. Harmon has
23 asked me to ask Sandy there was anything in particular he could
24 do in regard to that. If I recall correctly, it had to do
25 with whether he needed to be molded in any particular male

1 behavior for Tyler's education, etcetera.

2 Q Have you ever heard him refer to Tyler's penis as
3 a binky?

4 A No, I haven't.

5 Q In terms of the Mr. Clown incident, I'm not 100
6 percent clear. I understand that Mr. Clown is this big toy
7 that Harmon had bought Tyler; is that right?

8 A Mr. Clown is a large stuffed clown doll.

9 Q Is this something that Harmon bought Tyler?

10 A Yes, and it's a toy. For a number of months,
11 it was a particular favorite of Tyler's and they played with
12 Mr. Clown quite a lot.

13 Q And the toy was near the fire, and the toy got
14 hot, is that what happened?

15 A Yes.

16 Q What did Harmon tell Tyler to do?

17 A Harmon asked Tyler to place his hand on the doll's
18 forehead and speak the word of Jesus, and the doll would be
19 healed.

20 Q And did Tyler do that?

21 A I don't know. I was around the corner out of sight
22 at the time.

23 Q Were there ever any instances where Harmon would
24 put Tyler's dinner in front of him and not allow Tyler to eat
25 until he had prayed?

1 A That concerned me.

2 Q So the answer is, yes, just to be clear?

3 A I need to explain just a little bit.

4 Q Okay.

5 A The way the situation would generally occur,
6 Harmon would prepare the dinner and place the food in front
7 of Tyler, get Tyler oriented to a direction. Tyler would start
8 eating, and Harmon would come over and sit down and ask Tyler
9 to stop eating, to say grace. That seemed to be a bit much to
10 request someone 18 months old.

11 Q Eighteen months, that's right at the age --

12 A Yes, very early on in visitation. Typically,
13 Tyler would, in the early stages, would go along with it. He
14 kind of went on with his eating.

15 Q What was Mr. Wilfred's reaction when Tyler did
16 not pray?

17 A He would go ahead and say grace and just drop the
18 issue generally with no conflict.

19 Q Could you see Mr. Wilfred getting more agitated if
20 Tyler did not do as he said?

21 A In regards to the grace, no.

22 Q How about in other circumstances, if he gave Tyler a
23 command and Tyler did not obey?

24 A Yes, but again, not in such a fashion that his
25 behavior was outrageous or abusive.

1 Q When you confronted Mr. Wilfred about some of your
2 observations about a month or two ago, he stated to you that he
3 was religious. He had no ability to understand what he was
4 doing, what the effect of his behavior was. Did he ever say
5 anything like, "You're covered in the blood of the lamb?" Do
6 you recall that?

7 A Not offhand, I don't. It wouldn't be unusual given his
8 understanding of the his theology. It wouldn't be an
9 outrageous statement. I don't recall him using that particular
10 phrase directly.

11 Q What about a statement, "Jesus takes all of his
12 sins?"

13 A He said words to that effect, yes.

14 Q What did that mean?

15 A Well, to Harmon, as he has said to me, it means
16 he is totally righteous. He is free of any stains for his
17 misbehavior, etcetera.

18 Q Were you aware Tyler was having some pretty
19 significant nightmares during the period of time after the
20 visitation?

21 A Yes, I was. There was a period of time where he
22 had apparently woke. There had been -- I'm forgetting what
23 the issue was that sparked the tension between Harmon and
24 Tyler, but there was a period where Harmon had to enforce some
25 fairly strong discipline. It was not a situation, as I recall,

1 that was outrageous in any way, and the disciple was justified,
2 as I recall, but I heard from Sandy later that Tyler woke up
3 that night having significant nightmares, crying, "No more,
4 daddy. No more, daddy. No more, daddy."

5 I've been in Tyler's presence on a number of
6 occasions at the pickup with the visitation or where he has ...
7 where his mom has been getting him ready at the day care
8 center, and he said, "No, daddy, take toy. No more, daddy.
9 Stay with mommy." That sort of think has happened both at
10 the day care, and it's happened more frequently at Sandy's house.

11 Q Okay.

12 A He just doesn't want to go.

13 Q He didn't want to go?

14 A He didn't want to go.

15 Q Let me ask you this question. Do you believe it's
16 appropriate to continue to force a child to visit with someone
17 who is so intense with him and so overbearing, so to speak,
18 over controlling or intensive to a child's needs, do you
19 believe that continued visitation is in Tyler's best interest?

20 A That's a hard one to call. I see a lot of factors
21 both ways. If it were my child, I have the power of the
22 situation I wouldn't want it to occur.

23 Q You would not?

24 A No.

25 Q Do you think, given your expertise in a variety of

1 different areas that the behavior that you've described today
2 about Harmon's relationship with Tyler, that Tyler's emotional
3 development could be significantly impaired by continued
4 visitation?

5 A Entirely possible, yes. I can readily see a stage
6 where as a result of Harmon being so much in control over
7 situations in covert ways, there would come a time sooner
8 rather than later where there was a significant blowup between
9 Tyler and Harmon. Tyler is a fairly strong-willed child and
10 has a mind of his own, I can certainly imagine a scenario in his
11 teen years where he would just say, "No, way," which he's
12 already doing.

13 Q He's already saying, "No." What about Tyler's
14 physical health, what about if Harmon lost control of some of
15 this suppressed rage, do you think that Tyler could be
16 physically endangered?

17 A Certainly it's conceivable. But again, I've seen no
18 evidence of that. He has certainly not abused the child in my
19 presence. There was that hint of rage in my presence.

20 Q Do you believe, based again upon your understanding
21 of Mr. Wilfred, the scriptures and his religious belief, if he
22 got a message from God or whomever he gets messages from, to
23 take Tyler, he would do that?

24 A I believe if the voices told him to take Tyler,
25 he would do his best.

1 Q Are you familiar with a woman named Phyllis Lambert?

2 A Yes.

3 Q And was she present at the earlier visitations last
4 year?

5 A Yes, on a number of occasions, I gather, she was
6 employed then as Mr. Wilfred's secretary.

7 Q Would Mrs. Lambert send food home with you or
8 bring food for Tyler to eat?

9 A Yes, both.

10 Q Was there anything unusual about that or concerning?

11 A I thought it was unusual she was bringing me food
12 before she even met me. My wife and I have, when I discussed
13 the scenario of her giving me food, just kind of looked at one
14 another and immediately poured the bottle of beverage down the
15 sink. Neither my wife consider ourselves paranoid.

16 Q Were you aware that Mrs. Lambert has told another
17 witness, who will testify here today, she almost poisoned her
18 own children?

19 A I've heard that. I believe it was after of
20 these earlier incidents that I mentioned. Food seems to be a
21 big issue in those earlier months. What was curious to me was
22 why Phyllis would bring gifts of food, hanging around to prepare
23 food, pressing food on me.

24 THE COURT: What kind of food?

25 A Noddle dishes, a bottle of Sherry that she brought

1 down from the mountains at various times. It always seemed to
 2 be a big deal. I told them at the beginning that I wouldn't
 3 eat dinner with him. I preferred to eat my meals at home with
 4 my wife. Meal time is important to us. He continued to press
 5 the issue. He would bring it up perhaps two or three times out
 6 of politeness, but it went for weeks which was constant pressure
 7 on me to sit down and eat with him.

8 I went through a period where Harmon became miffed
 9 a lot. I was pressed to take muffins home since I wouldn't eat
 10 them on the spot.

11 Q (By Ms. Edinburg) Were you ever aware that Tyler
 12 got sick after some of the visits, physically sick?

13 A There was one incident of that, but as I recall,
 14 Sandy and I both kind of felt that would hard to relate it.

15 Q Was there ever an incident where visitation had
 16 to be cancelled, and Mr. Wilfred indicated to you that he was
 17 so enraged that he put a hole in the wall?

18 A It just could have been in a manner of speaking.
 19 He mentioned that he had been so angered by a visit that
 20 Sandy had cancelled, that I shouldn't be suprised the next time
 21 I came over that he had kicked some holes in the wall.

22 Q Did you ever see holes in the wall?

23 A No, I didn't. I assume that was just a figure of
 24 speech.

25 Q Mr. Wilfred has maintained literally that Sandy

1 stripped the house and took everything when she moved out
2 February 28th. When you were first in the home, I believe it
3 was in June?

4 A Yes, that's correct.

5 Q Would you say that this was a barren home that was
6 stripped with nothing for Mr. Wilfred to sleep on or have any
7 furniture?

8 A No, it was not stripped. The living room wasn't
9 empty. All the other rooms on the ground floor seemed to have
10 plenty of furniture. The bedroom was certainly adequately
11 supplied. As far as the living room and kitchen, of course,
12 I have no way of knowing how much furniture they had before the
13 separation.

14 Q There was a family room full of furniture, and then
15 a living room full of furniture?

16 A Yes.

17 MS. EDINBURG: May I have just a moment? Your
18 Honor, I have nothing further.

19 THE COURT: Mr. Wilfred, it's now your turn to
20 cross-examine this witness. (Pause) I take it from your
21 silence, you do not wish to cross-examine the witness.

22 (Whereupon, Mr. Wilfred gave no verbal response, nor
23 did he look at the Court when being addressed.)

24 THE COURT: Ms. Dycus?

25 MS. DYCUS: Your Honor, I just have a couple of

1 bankruptcy and yet was detailing his automobile, having his
2 car cleaned weekly. Was there a dinner where he took
3 someone to the Chateau Pyrenees in a limousine?

4 A One time, I'm aware when he took the teenage
5 daughter of his secretary to dinner.

6 Q To dinner in a limousine?

7 A Yes.

8 Q Did he brag to you about this?

9 A Yes.

10 Q He has a private gardener that does landscaping
11 and works around the house?

12 A Yes. I understood that he has his lawn regularly
13 maintained by a professional as well.

14 Q Thank you. Would he also buy Tyler expensive toys
15 and other things?

16 A Not a large number of toys, but the toys he has
17 bought, he made a point to make sure they were in top quality.

18 MS. EDINBURG: I have nothing else. Thank you.

19 THE COURT: Anything further?

20 MS. DYCUS: I have nothing further

21 THE COURT: You may step down. You may be excused.
22 Ms. Edinburg?

23 MS. EDINBURG: Your Honor, I'd call Wayne Cravin
24 to the stand, please.

25 WAYNE CRAVIN,

1 was called as a witness on behalf of the Petitioner, having
2 first been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. EDINBURG:

5 Q Would you please state your name and spell your last
6 name for the record, please.

7 A It's Wayne Cravin, C-r-a-v-i-n.

8 Q What is your occupation?

9 A I'm a real estate broker.

10 Q How long have you been so employed?

11 A Approximately 18 years.

12 Q And do you know Mr. Wilfred?

13 A How do I know him?

14 Q Do you know him?

15 A Yes, I do.

16 Q How are you familiar with him?

17 A I was associated with him for approximately ten
18 months, I guess the better part of '89.

19 Q And what was the entity that you worked with him
20 in?

21 A I was the corporate broker, and he was a licensed
22 associate. It was involved in leasing a shopping center
23 known as the Promenade and Regatta.

24 Q Was it the Westmarc?

25 A That's correct.

1 Q That's the entity that the two of you worked
2 together?

3 A That's correct.

4 Q Were you partners in that?

5 A No, not really. I strictly did my own brokers
6 transactions, and he needed a broker in order to maintain a
7 marketing relationship with City Federal.

8 Q Were you aware that Mr. and Mrs. Wilfred had
9 separated in early 1989?

10 A Yes, I was.

11 Q What did Mr. Wilfred tell you about Sandy in terms
12 of paying her for child support or alimony when she first
13 left?

14 A I initially was informed that they had separated
15 which was following a trip to Las Vegas. That was towards
16 the end of March, and it was after that, he indicated that
17 Sandy had moved out, and he did indicate to me she was dating
18 other people, and that he had her investigated --- by having her
19 investigated, and that it was later that he mentioned that he
20 was -- that he was taking very good care of her as far as child
21 support for Tyler.

22 Q Was this before June 15th?

23 A I'm sure it was, yes.

24 Q Okay. What happened when you decided to move
25 Westmarc Brokerage?

1 A Well, what precipitated that was the situation
2 in the office became sort of intolerable. I found that I was
3 spending less and less time around. There were things going
4 on, behind closed door activities. I had responsibility to my
5 wife and five children. I was concerned about what may be
6 happening, and then over a weekend, I can't recall the date,
7 but over a weekend, Harmon chose to move the office out of the
8 office building that we were in and which was a financial
9 plaza, over to the shopping center. And that was literally
10 over a Friday and Saturday move.

11 What concerned me is that Harmon had purchased or --
12 excuse me, intered into a lease contract under my brokerage as
13 a salesman working for me essentially collecting commissions
14 that I had, he did not participate in whatsoever. I felt that
15 as a broker, I was exposed with quite a bit of liability.

16 At that point, I had to make some other arrangements
17 outside listing, and the property I was dealing in under the
18 corporate name of Westmarc as the broker, and as president of
19 that coporation, I was responsible to the other participants
20 that were involved in the corporation.

21 They agreed to turn their interest over to me and
22 allow me to make whatever decisions I had to, which is what I
23 did. I moved out of the office and moved my broker's license
24 and operated independently.

25 Q Do you know how much money Mr. Wilfred would have

1 gotten under your commissions, any idea of money he could have
2 taken that was not taken?

3 A Under the only transaction that I was aware was that
4 lease, and I think that was sixteen or eighteen thousand.

5 Q Which lease?

6 A That was the lease on the office which was in the
7 financial plaza building.

8 Q Now, after they separated?

9 A You know, I don't know when these funds were
10 generated, so it could have been, I'm not really sure when
11 those monies were funded.

12 Q Did Sandy Wilfred ever receive any money from a
13 lease?

14 A No. She never received any compensation from me
15 as a broker. If she did at any time under Westmarc, it had to
16 be when Harmon was involved.

17 Q Was Mrs. Wilfred a signer on the account for
18 Westmarc?

19 A No, she was not. I was the only one.

20 Q And were you and Mrs. Wilfred in regular contact
21 after June 27, 1989?

22 A No. We haven't been since actually --

23 Q You were subpoenaed to testify here today?

24 A That's correct.

25 Q Has Mr. Wilfred sued you?

1 A You know, I'm not sure whether I was in the suit or
2 not. I had asked to give testimony in reference to a
3 transaction. I assume that I was. Let's see, I heard from two
4 different people that I was being pursued by Mr. Wilfred or his
5 attorney, and I was asked to give testimony. I called Mr.
6 Rosania (phonetic). I agreed to meet with him on a given date
7 and provide testimony giving the separation of Westmarc.

8 Q Are you aware there was a lawsuit where Mr. Wilfred
9 was suing you and Westmarc Brokers?

10 A You know, I just learned about this -- found out
11 that's what it was. I don't know, I thought I was giving
12 testimony. I had thought it had to do with the bankruptcy, and
13 then Mr. Wilfred had taken it on himself to serve for creditors
14 that he felt owed money to the bankruptcy court which I thought
15 that a little funny. I agreed to go ahead and answer any
16 questions which is what I did.

17 Q You had a deposition taken?

18 A Uh-hum.

19 Q With Mr. Rosania?

20 A In the presence of Mr. Wilfred.

21 Q Did Mr. Wilfred learn anything, or was it mostly
22 harassment?

23 A I really don't know. I agreed to go ahead and
24 spend some of my time answering the questions which I did. I
25 asked him at the meeting if all of this was accomplishing

1 questions from cross.

2 REDIRECT EXAMINATION

3 BY MS. DYCUS:

4 Q Mr. Campbell, you sort of acted as an intermediary
5 between Mr. and Mrs. Wilfred in arranging the visit times and
6 that sort of thing, did you not?

7 A That's true, yes.

8 Q In your contact with Mrs. Wilfred, did you ever
9 hear her saying anything or see any behavior at all which could
10 be interpreted as being her using the child for leverage
11 against Mr. Wilfred?

12 A Not in the slightest, no.

13 Q Do you feel that she had Tyler's best interest as
14 her first concern?

15 A I really do. She has been more than willing to
16 adjust visits for Harmon's schedule. She was willing to let
17 him increase visits earlier. In the visitation process, she
18 has been quite considerate about the whole arrangement.

19 MS. DYCUS: I have nothing further.

20 MS. EDINBURG: I have two just very brief.

21 RECROSS-EXAMINATION

22 BY MS. EDINBURG:

23 Q Mr. Campbell, I neglected to ask you this. You've
24 mentioned in direct, you thought this was a man, who at one
25 point was saying this was a poverty situation. He filed

1 anything for him, and he said that he thought it was going to.
2 So, I don't know, but that was the end of it. I had to talk to
3 his attorney.

4 Q How does a commercial real estate broker get paid?
5 How does that work financially?

6 A It depends on the transactions, office leases, that
7 he will receive up to usually anywhere from the gross basis of
8 the lease itself or on a square foot basis. It could be as
9 high as \$3 a foot on an office space lease. The retail would
10 normally be a dollar and a half a foot on leased space.

11 Q So you get a commission based on the size of the
12 space you lease?

13 A Uh-hum.

14 Q What was an average amount of commission for you?

15 A Commission, ten thousand would be a reasonable
16 transaction.

17 Q Where you're writing a lease?

18 A Uh-hum.

19 Q Was Mr. Wilfred a capable real estate salesman in
20 that area?

21 A I have heard that he was capable. I've heard of some
22 substantial transaction that may put him in a position to get
23 involved in ownership in some shopping centers, marketing
24 endeavors, what his commissioned earnings are during this
25 marketing period of time which would put him in a position

1 financially to branch out and get into some development.

2 Q When you say significant, what is that?

3 A He told me a quarter of a million dollars
4 commission on one given transaction. I could be wrong. He
5 told me it was unit capability.

6 Q On one transaction, he could make \$250,000?

7 A He made a quarter of a million dollars.

8 Q How long does it normally take to close a
9 commercial real estate lease?

10 A It can vary. On the average transaction, say
11 two thousand foot space or five thousand foot space, let's
12 say 60 to 90 days would be normal.

13 If it was a larger base, quarter to a million
14 dollar range, six months to a year, but the shorter
15 transactions, one that generates ten to twenty to thirty
16 thousand dollars can be accomplished in 90 days.

17 Q Do you believe Mr. Wilfred has the ability and
18 with wherewithal and the skills to work with leasing clients
19 during a short term period?

20 A Definitely, I'm sure.

21 THE COURT: What's the market now?

22 A It's picking up. It's a little bit better. If you
23 don't have time in the business and have business contacts,
24 then I'm sure it would be difficult to anyone new getting into
25 the field, but the market is picking up. The retail activity

1 is solid for office space, and as I understand it, it's been
2 consistent, but it hasn't turned around 100 percent.

3 Q (By Ms. Edinburg) Has Mr. Wilfred ever told you
4 that he was going to sue anyone?

5 A Yeah. I forget some of the people's names. There
6 was one, Laura Helker (phonetic). He indicated he was going to
7 sue her for divulging some information to Sandy. There was an
8 accountant that he mentioned he was going to sue, and I really
9 can't recall who else.

10 Q Mr. Cravin. I'm going to hand you what's been
11 marked now as Petitioner's Exhibit No. 3 and ask if you've
12 ever seen this document before?

13 A Yes, I have.

14 Q What is that?

15 A It is Harmon Wilfred, Westmarc Commercial Brokerage,
16 Wayne Cravin, Sandra Wilred, and --

17 Q Is that a lawsuit, in fact, being filed by Mr.
18 Wilfred personally?

19 A Again, the testimony I gave, it was with Rosania, the
20 previous bankruptcy trustee. It seems like I thought he was
21 representing him in the bankruptcy, not in an actual lawsuit.

22 Q Have you ever been personally served with those
23 papers?

24 A I really don't recall. Perhaps I was.

25 Q Okay. Thank you.

1 MS. EDINBURG: I would offer Petitioner's Exhibit 3
2 into evidence.

3 MS. DYCUS: No objection.

4 THE COURT: Mr. Wilfred. (Pause) Mr. Wilfred.
5 I'm going to assume since you don't answer anything I've
6 asked you, that you have no objection.

7 (Whereupon, Mr. Wilfred gave no verbal response to
8 the Court, nor did he look at the Court when being addressed.)

9 MS. EDINBURG: I have no further questions of this
10 witness.

11 THE COURT: Three will be received.

12 (Petitioner's Exhibit No. 3 was admitted into
13 evidence.)

14 THE COURT: Mr. Wilfred, cross-examination?

15 (Whereupon, Mr. Wilfred gave no verbal response to
16 the Court, nor did he look at the Court when being addressed.)

17 THE COURT: Ms. Dycus, cross-examination?

18 MS. DYCUS: I have no questions, Your Honor.

19 THE COURT: You may step down.

20 MS. EDINBURG: Thank you very much. Your Honor,
21 I'd call Mr. Tom Jones next to the stand.

22 THOMAS JONES,
23 was called as a witness to testify on behalf of the
24 Petitioner, having first been duly sworn, testified as
25 follows:

1 DIRECT EXAMINATION

2 BY MS. EDINBURG:

3 Q Would you please statement your name and spell your
4 last name for the record.

5 A Thomas Jones, J-o-n-e-s.

6 Q What is your occupation?

7 A I'm a day care owner working in real estate part
8 time.

9 Q What day care do you own?

10 A Regatta Preschool and Depot Hills Academy.

11 Q Where is Regatta Day Care Center?

12 A 12300 East Cornell, Aurora, Colorado.

13 Q And is that in the Regatta Shopping Center that was
14 formerly owned by Mr. Wilfred?

15 A Yes.

16 Q Who are the partners in the Regatta Day Care Center?

17 A In the Regatta Preschool.

18 Q I'm sorry.

19 A My wife.

20 Q But there is a day care center?

21 A There was an infant center.

22 Q And what happened to that?

23 A We shut that corporation down.

24 Q Who were your partners in that corporation?

25 A Harmon Wilfred, Sandy Wilfred.

1 Q How long have you known Mr. Wilfred?

2 A Approximately two and a half to three years.

3 Q When you first met Mr. Wilfred, what was his
4 religious beliefs or faith at that time?

5 A Well, at that time, it was New Age. He was dealing
6 with some people up in Colorado Springs, and these were
7 spiritualists, and I call them fortune tellers, and like I
8 said, it was New Age.

9 Q And did Mr. Wilfred ever tell you anything about
10 the out-of-body experiences that he had?

11 A On one occasion, he was supposed to have been
12 floating above his house.

13 Q He told you that?

14 A Uh-hum.

15 Q Was he joking or was he serious?

16 A No. I took him to be quite serious.

17 Q When did Mr. Wilfred get involved in the Christian
18 faith?

19 A Well, at the time, I met him -- I'm a Christian,
20 and when I meet someone, I witness to them about my faith, and
21 then we got acquainted, and I witnessed to him, and before you
22 knew it, he was a Christian, he said.

23 Q So, are you the business partner that, can we say,
24 was responsible for his movement into the Christian faith?

25 A I guess you could say that, yes, uh-hum.

1 Q Do you have a close relationship with Mr. Wilfred?

2 A Yes, uh-hum.

3 Q Would you consider yourself not just a business
4 partner, but also a close personal friend of his?

5 A Yes, a friend, yes, uh-hum.

6 Q Now, were you aware of what happened after Mr.
7 Wilfred took over, what you say is known as the Tower Group?

8 A Well, once again, he took over the Tower Group.

9 I think a lot of things I found out later was withheld
10 from me by Mr. Wilfred. I feel lik going back to apologize
11 to a lot of people that left the Tower Group at that time .
12 because of things Mr. Wilfred had told me in his own words.
13 Later I found out it wasn't true.

14 Q Can you give us a for instance?

15 A Well, he used to -- he made it look like everybody
16 was against him, was after him, and taking advantage of
17 him, and when I found out later, he was taking advantage of
18 people. And, you know, I still see some of the people from the
19 Tower Group over in the shopping center. I really feel sad, you
20 know, that I left on that type of relationship thinking what he
21 said was true, but he could make you believe he was a good
22 sales person.

23 Q And how many people ended up leaving?

24 A Approximately 25.

25 Q And the Tower Group was the entity that was

1 responsible for managing the Promenade Shopping Center; is
2 that right?

3 A Yes.

4 Q Do you have that right -- during the time before
5 Mrs. Wilfred left the home, was she an employee at some
6 point in time for Mr. Wilfred?

7 A Yes.

8 Q And was she fired by him?

9 A Yes.

10 Q And do you know why he fired her?

11 A Because she wouldn't submit to him. I guess the
12 arrangement at home had changed, and he said she wouldn't be a
13 wife. She didn't sleep in the same bedroom, I guess, because
14 she wouldn't be a slave.

15 Q Okay. Do you know a gentleman named Sam Watne?

16 A Yes.

17 Q Who is he?

18 A He was a person that was working in the office
19 there. I guess he was supposed to be a loan broker. And Sam
20 was supposed to be the man that found million-dollar deals as a
21 broker for these types of loans, which I never did see. And
22 Sam, I guess, called himself a preacher or something and
23 confessed to be a Christian. He just kind of stayed around,
24 and it was like a parasite to me.

25 Q And did Mr. Wilfred do business with Mr. Watne?

1 A They called it business. I don't know what it was.

2 Q Was there then a point in time where that relation-
3 ship was terminated or ended?

4 A Yes.

5 Q Was there anything significant about Mr. Wilfred's
6 reaction to break it off with Mr. Watne?

7 A Yes. This is another incident where Mr. Wilfred
8 created a big scene, a big incident like Sam hit a big
9 multi-million dollar deal, and Sam was hiding it. He
10 just blew it out of proportion once he confronted Sam, and went
11 through all of Sam's personal belongings. Sam got angry,
12 and Sam told Harmon he was going to get him one day.

13 At that point, Harmon took that as Sam was going to
14 really threaten his life. We had an ex-FBI agent as a body
15 guard, and other body guards walking through the office, and
16 people being escorted down the elevator and to their cars.

17 Harmon made himself believe that Sam was involved
18 in the mafia or something. He found some names, and the next
19 thing I knew, Harmon was driving Sandy over to her house
20 because he was afraid to stay at home thinking someone was
21 going to kill him. And the next night, Harmon went to his own
22 house with a body guard with a gun sleeping on his family room
23 sofa.

24 Q Was there any evidence that Mr. Wilfred's reaction
25 to this whole event was appropriate?

1 A No, He just blew it up. It wasn't appropriate, no.

2 Q Now, in terms of business transactions and the
3 relationships, you were in the office with Mr. Wilfred at
4 Westmarc?

5 A Yes.

6 Q And was there some religious practices that he
7 wanted you to be involved in or engaged in, or the people in the
8 office would have to do?

9 A Well, he want to institute that we start off every
10 day with prayer and have forced bible studies, which I didn't
11 agree with, and plus, he wanted me to listen to all his talk
12 that he said God was speaking to him every morning. He wanted
13 to call me in and talk to me every morning. I can't take
14 that. I'm a Christian, but I'm my own man. I know when God is
15 speaking to me, not him. But he's the type that wants to force
16 everything on me, and make me believe what he believes, and
17 any time you challenge Harmon, he gets angry.

18 Q Now, these messages, communications that he had from
19 God, did he ever tell you that God had told him to take
20 possession of Tyler?

21 A Yes. I heard a lot of messages, and he told me
22 that God said he was supposed to have custody of Tyler, no
23 matter what. He was supposed to have custody of Tyler.

24 Q Now, was there a family cat that was living
25 with Mr. Wilfred in the family home after Sandy and Tyler

1 left?

2 A Yes. Harmon would get up and go through his
3 ritual in the morning. He said this cat would come in and
4 disturb him and was running by his leg, and he said that cat had
5 some evil spirits in it of the devil that was trying to prevent
6 him from his prayer time, so he said he took the cat to the
7 shelter.

8 Q Was it Sandy's cat?

9 A Yes.

10 Q And do you think there was anything vindictive
11 about that move on Mr. Wilfred's part?

12 A Yes. I think that was just to get back at Sandy.

13 Q Have you ever met with Mr. Wilfred or seen him when
14 he was, how do I use the word, out of it, or weird looking?

15 A Yes. The first of the year, we went down to
16 Mexico.

17 Q Let me interrupt, first of the year of 1989?

18 A '89, I'm sorry.

19 Q Year and a half ago?

20 A January of 1989 we went to Los Lobos, Mexico. At
21 that point, that's when I first started noticing some
22 strange behavior. He started staring off into space and
23 looking like, you know, kind of a zombie look. I called my
24 wife. I was standing at the phone one night two hours trying
25 to call off Mexico. I called my wife and told her that Harmon

1 was acting so strange that this was the last time that I would
2 every go anywhere near him, and that once I got back, I was
3 going to start stopping this relationship because he was too
4 strange.

5 And then at the last meeting that I had with Harmon,
6 the next to the last meeting was at the Pepper Mill Restaurant
7 which was off of I-25, and he called me, and he said that God
8 had told me to sacrifice the company, Westmarc the same way
9 that Abraham sacrificed his son. He was closing down that day,
10 and I tried to explain to him there were other people involved
11 in Westmarc, and this was going to affect their lives. I told
12 him, who's to say you're hearing from God. He hasn't spoken to
13 anybody else, and at that time, he was really looking like a
14 zombie and talking strange. It was embarrassing to sit with
15 him in that restaurant.

16 Q Now, I believe you were present on May 10, 1989, when
17 we had a hearing before Judge Steinhardt. Mr. Wilfred came in
18 court and was represented by Mr. Seagall. That was to set
19 aside a restraining order and lift the restriction on
20 supervised visitation, and do you recall that Mr. Seagall made
21 an offer of proof to this Court that your testimony was that
22 Harmon was a fit person, and that he would not abscond with
23 Tyler, something to that fact. Do you recall that you were
24 sitting in court?

25 A Yes.

1 Q Is that what your testimony would have been that
2 day?

3 A No, no, and also at that point, I think Harmon
4 knew also my wife, and I told him we felt Sandy should have
5 custody of Tyler, and I don't think they wanted to on the stand
6 that day.

7 Q Had you met with Mr. Seagall and told him that?

8 A I never met with Mr. Seagall or told him. That
9 was the first time I'd seen him.

10 Q Were you subpoenaed to court that day?

11 A No. I didn't know I was going to be testifying
12 in court that day. Nobody told me anything about it.

13 Q When the Court was told what your testimony was
14 going to be, that was not correct; is that right?

15 A No, I hadn't been told by anyone about it.

16 Q Let's talk about after you came, after that, you
17 and Mrs. Wilfred had contact after that May 10th hearing.
18 Then we had a hearing in June, temporary orders hearing.
19 Then I subpoenaed you to the July 7th hearing. That was
20 postponed because of the bankruptcy. Did anything strange
21 happen at that point in your life?

22 A When I started communicating with Sandy?

23 Q Yes.

24 A Yes. My van's windows at the school were both
25 broken twice. My back window at the school was kicked out.

1 My car windows have been broken, stuff had been thrown on my
2 windows of my school. I've been sued. I have a box of
3 letters, all kinds of things from Harmon that it is just total
4 harassment.

5 I have received -- in one month, I have received
6 letters every day from courriers bringing things over. I've
7 called the police twice to protect this shopping center.

8 Q For protection?

9 A Yes, the shopping center. I used to do the
10 maintenance of the shopping center, and Sandy and I were
11 working in the maintenance department, and Sandy had brought in
12 lawn mowers, and I had put them in the storage room next door,
13 and Harmon and Phylis Lambert called the police and told them I
14 had stole them. This happened twice, and the police came over
15 to arrest me. They were sitting right there in the shopping
16 center.

17 Q Now, let's talk about Mrs. Lambert for a moment.
18 Do you know Phylis Lambert?

19 A Yes.

20 Q How do you know her?

21 A Her kids used to be at the day care there.

22 Q And after the day at the Pepper Mill meeting when God
23 told him to sacrifice the company, what did he do the next day?
24 Did he close the company down?

25 A He closed it down for one day. I'm not for sure

1 then it opened back up.

2 Q Who did he have to take care of the books?

3 A Phylis Lambert.

4 Q Did you ever hear Mrs. Lambert saying anything
5 strange about her wanting to poison her children?

6 A Yes. In December of 1988, at the Black Angus
7 Restaurant on Havana, she begged my wife and I to go to dinner
8 with her to talk about some things because her and her husband
9 were having problems, and she wanted to have a meeting that
10 night. She was talking real strange, and she told us that a
11 few months earlier, she had got the poison ready to poison her
12 kids and to give this to her kids and for her to take. And she
13 got all or most of the poison to give to them, and she
14 stopped.

15 Q I'm sorry.

16 A No. I said this was --- I heard her say that with
17 my own ears.

18 Q Did Mr. Wilfred know about this communication? Did
19 he know that Mrs. Lambert had almost poisoned her own
20 children?

21 A I'm sure he did.

22 Q Back to the Mexico trip, and I'm sorry I'm jumping
23 around, did you ever have the belief that Mr. Wilfred was doing
24 business deals in Mexico when he would leave the hotel or just
25 kind of disappear?

1 A Well, you know in that trip ---

2 THE COURT: What was the purpose of your trip?

3 A Well, it was supposed to be a business planning
4 trip, but it turned out to be nothing. We were supposed to go
5 down and plan a business trip. A lot of times Harmon would
6 stay up all night in the middle of the floor praying. The next
7 day, he would be asleep, so I wouldn't sit around. I went down
8 to the people in the village. He was dealing with some man
9 from Littleton, Colorado. I guess that he was in real estate
10 that worked down there, and they were doing a lot of talking.
11 And I don't know, it was like some of the things were kept
12 secret from me.

13 Q Did he ever tell people down there that he was a
14 wealthy person?

15 A Well, he carried himself in a way and talked to the
16 help around the hotel and everything, and they thought he was
17 very wealthy. When we got back, this little Spanish boy had
18 the idea that Harmon was a millionaire. He kept calling for
19 money. As a matter of fact, he called like every other day for
20 some months because Harmon had told him how much he was worth.

21 Q How much did Harmon say he was worth?

22 A I don't remember in terms, but, you know, he would
23 tell about his shopping centers and the shopping centers were
24 worth \$14 million here and \$8 million there.

25 Q Okay. Do you believe that it's possible that

1 Mr. Wilfred had a bank account or funds in Mexico?

2 A It would be possible, yes.

3 Q What happened if you and Mr. Wilfred would have a
4 disagreement and wouldn't agree with his belief and what he
5 wanted to do?

6 A Blow up and get mad like a baby, a child.

7 Q Did he talk to you about his sexual desires?

8 A Yes. He spoke like he was highly over-sexed. That
9 was something that he was praying about that God would take
10 away, and would talk about some of his past relationship, how
11 he would have to ask God to forgive him because he had done his
12 women wrong.

13 Q Did he ever tell you that right after Sandy and Tyler
14 left, moved out of the family residence, that he began paying
15 child support and alimony?

16 A Yes.

17 Q Did he ever lead you to believe that he was, in fact,
18 supporting Mrs. Wilfred and Tyler?

19 A Well, I thought he was paying them \$1800 a month,
20 yes.

21 Q Did he ever make any statement to you about the
22 filing of a bankruptcy in order to delay this divorce?

23 A Yes.

24 Q What did he say?

25 A This was one of the techniques he used to delay the

1 divorce.

2 Q Did he very brag to you that he liked court battles
3 and liked going to court?

4 A He liked confrontations, yes.

5 Q Do you believe that it is possible if Mr. Wilfred
6 got a communication from whomever that he could take Tyler?

7 A Yes, well he's told me with his own words, that
8 whatever the voice said to him, that's God, that very day,
9 we were in the Pepper Mill, that voice had told him to
10 sacrifice the company, and I guess that's the same voice that
11 came back a couple of days later and told him to open it back
12 up, so, yes, I believe he would do it.

13 Q Do you believe he would sacrifice Tyler's life if
14 God hold him to do it?

15 A He has told me with his own mouth that he would do
16 anything that the voices told him.

17 Q Okay. Do you believe that Mrs. Wilfred is going
18 to be in danger in any way because of Mr. Wilfred?

19 A Not only that, I believe we're all in danger.

20 Q Do you believe that you're in danger?

21 A Yes, and for the harassment I've been through in
22 the last year and a half, yes.

23 Q Would you ask the Court or would you like me to ask
24 the Court that you get some kind of protective order or
25 restraining order that Mr. Wilfred is not in any way to harass

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you as a witness because of your testimony in this case?

A Yes, I would.

Q Thank you.

MS. EDINBURG: I have nothing further of this witness.

THE COURT: Mr. Wilfred, it's now your opportunity to cross-examine.

(Whereupon, Mr. Wilfred gave no verbal response nor did he look at the Court when being addressed.)

THE COURT: I take it from your silence, you're ignoring me.

CROSS-EXAMINATION

BY MS. DYCUS:

Q Mr. Jones, when was the first time that either your car windows or your van windows or the day care windows were broken out?

A I'd probably say maybe three weeks after Sandy and I were talking. Well, I came to court with her, so maybe a week after that day.

Q How many car and van windows have been broken out between that time and now?

A It's five.

Q Thank you.

MS. DYCUS: I have nothing further.

MS. EDINBURG: Just very briefly, Your Honor.

REDIRECT EXAMINATION

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3 BY MS. EDINBURG:

4 Q Mr. Jones, did Mr. Wilfred ever make any statement
5 to you that I had done anything to Mrs. Wilfred before the
6 hearing?

7 A Well, that first hearing?

8 Q The May 10th hearing.

9 A Yes. That you had given Sandy probably a
10 tranquilizer because Sandy was too calm, and Sandy couldn't be
11 that calm without a tranquilizer.

12 Q He though I had done it?

13 A Yes.

14 Q How much did the hotel cost that you stayed in
15 Mexico on a daily basis?

16 A Around \$150 a day.

17 Q Who paid for that?

18 A Harmon.

19 Q Thank you.

20 MS. EDINBURG: I have nothing further.

21 THE COURT: You may step down.

22 MS. EDINBURG: I'd call Laura Kelker to the stand.

23 LAURA KELKER

24 was called a witness to testify on behalf of the Petitioner,
25 having first been duly sworn, testified as follows:

DIRECT EXAMINATION

1 BY MS. EDINBURG:

2 Q Would you state your name spelling your last name
3 for the record.

4 A Laura, Kelker, K-e-l-k-e-r.

5 Q And what is your occupation?

6 A I'm an administrative secretary.

7 Q Where are you currently employed, or do you wish not
8 to tell us?

9 A I'd rather not disclose that.

10 Q Did you formally -- I'm sorry, do want to pour
11 yourself some water?

12 A Can I?

13 Q Did you formerly work for Mr. Wilfred?

14 A Yes, I did.

15 Q And when was that?

16 A I was hired September 12, 1986, and I left April
17 22, 1989.

18 Q And what was your position there?

19 A I started out as a receptionist. I went to proceed
20 management assistant. I became his administrative assistant.

21 Q Are you here today because of a subpoena that wa-
22 served on you?

23 A Yes, I am.

24 Q And are you also afraid?

25 A I'm sorry?

1 Q Are you also afraid to testify?

2 A I'm afraid even especially from what I've heard
3 today. I didn't realize after I left the office he spoke of
4 suing me.

5 Q Did you testify before Referee Virginia Ware in June
6 because of a subpoena?

7 A Yes, I did.

8 Q Was there an agreement in the office regarding the
9 employees to being alone with Mr. Wilfred?

10 A Yes, after -- during 1989, at the beginning of
11 1989, things started becoming very odd. We began sensing
12 something was wrong between Sandy and Harmon. I was notified
13 on the day that Sandy left Harmon at the end of February that
14 she was leaving him. And at that point in time, he had made
15 not really advances, but he had made comments such to a
16 receptionist who was working there. He acted oddly toward all
17 of the women, and it was understood with all of the women that
18 no matter what, none of us were to be left alone in the office.

19 Q Did he ever force the employees to pray or to do
20 certain prayer rituals or religious rituals?

21 A He would pull me into his office on different
22 occasions and asked me to pray over various things. I remember
23 one time there was something that he was working on, he wanted
24 to pray over that, that everything would go properly with him.
25 There was something about a rent bill. We didn't have a

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commission check which had come in for rent, so to cover the rent, he asked us to all pray over that bill that the payment could be made.

Q Okay. Did your sister Patrice (phonetic) work for Mr. Wilfred?

A Yes, she did, in December -- November and December. She came to work first as a temporary, and then she was made to believe that she would be brought on as a permanent employee.

Q Why was she terminated?

A I was told she was terminated because Mr. Wilfred saw demons around her.

Q Was there an incident where Mr. Wilfred had a cloth that he wanted you to use or something?

A Yes. It was in the early part of 1989, I had to have a gynecological procedure done, and I told him, you know, I had to leave work early that I was going to have this done. And he spoke with me for a while and told me that he had 3,000 people around the country praying for me to be healed. And I told him that I would prefer doing my religious beliefs myself. I didn't feel comfortable doing it at work.

I left the office. He called me back in about a half hour later. He was very excited. He said, "I think I have something that will help you." He pulled an annointed cloth out of his briefcase, and he went through how the annointed cloth, he said, "If you touch yourself, people have been healed

1 by them." He told me if I could touch myself where I was
2 ailing that I would be healed, and at that point in time, I
3 just backed up. He had no reason to even be thinking where I'd
4 been ailing.

5 Q During the time that you worked there from
6 September 12th of '88 to April of '89, let's talk about from
7 September to March. First, when you left, did he ever talk
8 about Tyler or did he ever seem concerned about his son?

9 A No. In fact, it was very odd working with both
10 Sandy and Harmon. Sandy was so excited about Tyler all the
11 time. You know, she just loved to talk about him. Harmon very
12 rarely spoke about him. And until after Sandy left, people
13 knew in the office she had left, that's when he started coming
14 out saying, "Tyler this..." and "Tyler that..." bring in lots
15 of pictures. That's the only time he got involved with his
16 son.

17 Q Did Mr. Wilfred ever seem forgetful or glassy-eyed
18 around the office?

19 A Every morning as Tom Jones had said before, they
20 would go in to Harmon's office and close the door, it
21 would be up to hours some days, he would come out. He would be
22 glassy-eyed. I believe they were in there praying.

23 THE COURT: Who was there?

24 A Harmon Wilfred and Tom Jones. Generally, they
25 were discussing business. He was glassy-eyed. It was like he

1 had tunnel vision to what was on his mind.

2 Q (By Ms. Edinburg) Did Mr. Jones have the same
3 glassy eyes?

4 A No.

5 Q After Sandy left Mr. Wilfred, were the locks at
6 the office changes?

7 A Yes, they were.

8 Q And what were you instructed?

9 A We were told that, not immediately, we were told that
10 the locks were being changed, but after it was a period of
11 about three weeks, we were told we were supposed to give Sandy
12 no information if she came in and asked about any of the
13 property. She was not to have any of the information. One of
14 the shopping centers was being taken back by the lender, and it
15 was said that we couldn't do it, because of that.

16 Q Was that the Regatta?

17 A No, it was the Promenade.

18 Q Promenade was the shopping center, as I recall it,
19 where approximately \$70,000 a month of rent was being taken
20 in; is that right?

21 A I can't remember the numbers, but, yeah.

22 Q Is that a number that meets with your recollection?

23 A Yes.

24 Q Do you recall whether or not Mr. Wilfred paid the
25 mortgage or the lenders during several months for the

1 Promenade Shopping Center?

2 A I don't recall any rent checks going on, and when
3 they came in to take the shopping center, that's when he told
4 me they hadn't been paying their rent. He knew the lender was
5 going to be coming in.

6 Q You mean the mortgage company?

7 A Yes, I'm sorry.

8 Q You knew the foreclosure was coming?

9 A Yes. In fact, the day they came into the Promenade
10 to take the Promenade, he didn't show up at the office. We
11 were told we couldn't reach him for any reason.

12 Q But the rent came in every month?

13 A Oh, yes they did.

14 Q Did you know anything or had Mr. Wilfred ever
15 talked about a secret bank account?

16 A There was -- when the Promenade was in receivership,
17 he did call it a secret account. It was for all the rent that
18 was collected from Promenade. He would put that in a separate
19 account so that it wouldn't be with the lenders.

20 Q What did he call those monies?

21 A His war chest, but then later on, the account
22 name was called "Wilfred Number 1."

23 Q Do you know the bank that was at?

24 A That was the First Bank at Belleview at DTC
25 Boulevard.

1 Q Are you sure?

2 A Yeah.

3 Q Did you ever make the deposits?

4 A No, I didn't make the deposits. That's where all
5 the banking accounts are.

6 Q Is it possible other accounts were set up by Mr.
7 Wilfred in other banks that you knew nothing about?

8 A Well, the accountant that was working at the time,
9 Bill Davis, he would make the deposits, and -- well, thinking
10 back on the deposit slips, we never had a true deposit slip
11 showing the exact bank it was at. He would have me write down
12 the exact number, then he would transfer it into the bank.

13 Q You did the deposit slips on a bank account?

14 A Right. He never had us do the exact deposit slip. I
15 would have to write down every check recorded, every check.
16 then he would do it himself. He said that was for my own
17 welfare, so if somebody came in, I wouldn't know where it was
18 at.

19 MS. EDINBURG: I have nothing further of this
20 witness, Your Honor.

21 THE COURT: Mr. Wilfred?

22 (Whereupon, Mr. Wilfred gave no verbal response, nor
23 did he look at the Court when being addressed.)

24 THE COURT: Ms. Dycus?

25 MS. DYCUS: I have nothing of this witness.

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THE COURT: You may step down.

Q (By Ms. Edinburg) Do you know what a binky is?

A It's a pacifier.

THE COURT: All right. Thank you. You may step down.

MS. EDINBURG: I'm not used to going this fast. I'd call Joanne Coffey. She's not going to be very long.

THE COURT: I was going to take a recess, but I can wait.

MS. EDINBURG: This will take about five minutes.

THE COURT: Okay.

JOANNE COFFEY

was called as a witness to testify on behalf of the Petitioner, having first been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. EDINBURG:

Q Would you state your name spelling your last name for the record.

A Joanne Coffey, C-o-f-f-e-y.

Q What is your occupation?

A I'm an accountant.

Q And are you here because of a subpoena?

A Yes.

Q Are you fearful about testifying today?

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A Definitely.

Q Why?

A Because I figured I probably would get sued.

Q Why do you believe that?

A That's what Harmon said he would do to everyone.

That's a pretty well-known fact.

Q Now, did you work for Mr. Wilfred as an accountant?

A Yes, I did.

Q And when was that?

A Approximately from the end of February through about the middle of June.

THE COURT: What year?

A Of '89, but part of that time was through a CPA who was doing Harmon's accounting for him. Part of this was on my own as a consultant.

Q I just want to quickly ask you, Ms. Coffey, were you concerned about being alone with Mr. Wilfred in the office?

A Yes.

Q Why was that?

A I can't state any specific reason. He just made you feel funny, that you didn't want to be alone with him.

Q Were there certain bills that Mr. Wilfred would tell you to pay in terms of creditors?

A Tower Group, definitely. There were a stack of

1 unpaid bills, but once in a great while, he would tell us to go
2 ahead and pay something.

3 Q Were you aware of the rents that were coming in of
4 approximately \$70,000 a month?

5 A That's probably pretty accurate. yes.

6 Q And to the best of your knowledge, were the most
7 payments to City Federal being made?

8 A I don't remember from anything I recorded in his
9 books. They were pretty far behind, that would start in
10 December or January of '89 that were ever made to City
11 Federal.

12 Q Now, did Mr. Wilfred ever tell you that he was
13 going to get custody of Tyler?

14 A Oh, definitely.

15 Q And did he say why he was?

16 A No. As a matter of fact, I was thinking today,
17 I never knew why he always thought he needed to have custody of
18 Tyler.

19 Q Did you ever know Sandy during this period of time?

20 A No, I did not.

21 Q When did you first meet Mrs. Wilfred?

22 A At that hearing that was heard last July. It was
23 the very first time.

24 Q Okay. Was there a conflict with Mr. Wilfred and
25 you and the CPA regarding how he would pay certain bills

1 or how he would characterize certain employees, whether they
2 were contract labor or actual employees?

3 A He seemed to prefer to have everybody as contract
4 labor which his CPA and I both said these people are employees.
5 You can't have them as contract labor.

6 Q And what did he do when you said that?

7 A I don't think anything.

8 Q Did he ever react to what you said, or did he say,
9 "I'm going to do what I want do to."

10 A I don't think there was any reaction period.

11 Q Do you know Mrs. Lamber, Phylis Lambert?

12 A Yes.

13 Q And was she competent to take over the bookkeeping
14 responsibilities?

15 A I don't feel she was, no.

16 Q Had Mr. Wilfred ever accused Mrs. Wilfred of
17 telling First Bank something negative so that they closed all
18 of his accounts? Did you ever hear him make that accusation?

19 THE COURT: I missed the first part of that?

20 Q (By Ms. Edinburg) Did you ever hear Mr. Wilfred
21 ever accuse Mrs. Wilfred of telling First Bank all these
22 negative things about him, that's why all these accounts were
23 closed? Do you recall any of that?

24 A No. When I left there, which was towards the middle
25 or end of June of '89, all those accounts were still open.

1 Q Okay. And would you notice any erratic behavior
2 with Mr. Wilfred from one day to the next?

3 A Yeah. I thought one day he was having a nervous
4 breakdown. I was even concerned about it because he seemed he
5 didn't know where he was. He walked into his office and walked
6 back out. All of a sudden, he decided we had to close the
7 office that day. He was the only person left. He did not have
8 any employees. And he had a temporary girl that used to be a
9 secretary, and also was a receptionist. She chose to leave,
10 too. And he had gotten another temporary in just that day.
11 The girl worked half a day. He decided to close the office,
12 that he had to get his personal affairs. He looked like he was
13 ready to break down, I mean totally, and the next morning when
14 I came back in, he was just fine, just happy, like nothing had
15 happened.

16 Q When was this, do you recall?

17 A It had to be the end of May sometime because I left
18 towards the end of May. I didn't want to work there any
19 longer.

20 Q Now, there's a building, seismograph building?

21 A Uh-huh.

22 Q Are you familiar with that building?

23 A The accounting end of it, yes.

24 Q That's different from the Promenade and Regatta
25 Shopping Centers?

1 A Yeah, it was Falcon Limited.

2 Q Falcon?

3 A Falcon Limited.

4 Q Who was the controlling person for the seismograph
5 building?

6 A Harmon Wilfred.

7 Q And do you remember how much money a month he made
8 from seismograph, do you recall?

9 A I think about five or six thousand dollar payments
10 to him which is just for, I thin, a management fee or
11 whatever. I'm not positive.

12 Q And how many hours a month would it take to do the
13 books or records or entries for just the seismograph?

14 A Oh, that was least involved. Once there was only
15 one tenant. There were a few bills, so you could probably do
16 the whole thing in maybe a day, two days a month is all that
17 would require.

18 Q Did Mr. Wilfred have a full time bookkeeper just
19 to do the work on the seismograph building?

20 A When I was there, no.

21 Q After you left, do you know?

22 A I heard that he had someone. I guess she's full
23 time, and that's all she does.

24 Q Thank you.

25 MS. EDINBURG: I don't have anything further of

1 this witness.

2 THE COURT: Mr. Wilfred?

3 (Whereupon, Mr. Wilfred gave no verbal response, nor
4 did he look at the Court when being addressed.)

5 MS. DYCUS: I have nothing further.

6 THE COURT: All right. You may step down. The
7 Court will take a 10 minute recess.

8 (Whereupon a brief was taken at 3:34 p.m.)

9 MS. EDINBURG: Your Honor, at this time, I'd call
10 Harmon Wilfred to the stand for cross-examination.

11 THE COURT: Sir, you've been called to the stand.

12 (Whereupon, Mr. Wilfred gave no verbal response, nor
13 did he look at the Court when being addressed.)

14 THE COURT: Ms. Edinburg, do you wish me to force
15 him to the stand?

16 MS. EDINBURG: Well, Your Honor, on of the things
17 I'm very concerned about. we've done our best. We have boxes
18 of files. I have questions that I can't get answers to except
19 from Mr. Wilfred. I'm wondering if the Court is willing to
20 find him in open contempt of court, and perhaps impose some
21 kind of jail sentence. I think the Court has the power to
22 order Mr. Wilfred to the stand and answer questions, and until
23 he chooses to answer questions, he can stay in jail.

24 THE COURT: Mr. Wilfred, would you take the stand,
25 please.

1 court in front of Virginia Ware. We have no idea whe
2 money came from. Mr. Wilfred is the only one that knows what
3 all this means. And without Mr. Wilfred's testimony, we don't
4 believe we can, in essence, get the whole picture here.

5
6 One thing we've discussed, if this Court is inclined
7 to place Mr. Wilfred in jail until he, in fact, takes the stand
8 and answers the questions, Mrs. Wilfred, has, in essence, been
9 denied total access to the family home. She's not had any
10 access to records or anything other than what we've been able
11 to subpoena. With Mr. Wilfred in jail today, or for however
12 long it takes, she'd like to go to the home. We know there's a
13 safe there. We can get police escort. We'd hope we could get
14 some documents, and we could get some information from other
15 sources if Mr. Wilfred is refusing to give us the answers.

16 We're just worried, as I said to this Court on
17 May 8th. This case is a nightmare. It gets worse by the
18 minute. It doesn't get better. Until Mr. Wilfred cooperates
19 and gives us some of this information, Mrs. Bush estimated that
20 there is between two and seven million dollars unaccounted for.

21 We know of at least a three to five hundred thousand dollar
22 account for money he collected from rent which is due to
23 City Federal. It was just never turned over. He's got
24 accounts everywhere. All we need is his testimony and
25 participation in this case. I'm trying not to be punitive. I
know he thinks I'm out to get him. I'm not. I understand, but

1 I'm also here to do a job and get Mrs. Wilfred divorced.
2 and get this marital estate divided so we can get on with our
3 lives, and this is not a punitive measure. Your Honor. It's a
4 necessary part of this case, unfortunately.

5 THE COURT: Mr. Southern?

6 MR. SOUTHERN: Not knowing exactly the stage of
7 the proceeding, I understand that you're hear for a final
8 orders hearing. I have also advised Mr. Wilfred that
9 information, unless the Court has issued other orders
10 compelling him to be here, that this is a civil action, and
11 that it was his choice to come, and as to his appearance here
12 today, not knowing that background information, I don't know if
13 there is any basis for a contempt against Mr. Wilfred for his
14 not proceeding -- participating in these proceedings.

15 There are many divorce cases where one side or the
16 other does not show up, and the Court proceeds without that
17 person; that the Rules of Civil Procedure have provisions for
18 when there is failure to proceed or failure to respond to
19 interrogatories and failure on request for production of
20 documents, the case can proceed in the absense of the party.

21 As to the potential contempt and punitive sanctions
22 that have been mentioned, I would just indicate that I don't
23 know if it would be appropriate in this case if my client is
24 not here under any type of compulsory procedure that he would
25 otherwise be free to pick up his briefcase and walk out the

1 door.

2 THE COURT: I told him yesterday and the record
3 should reflect, I told him yesterday, our interchange yesterday
4 was such that after I ruled, he kept discussing the matter with
5 me, and we did that three or four times. That's when I told
6 him I didn't want him to talk any more. I don't think that's
7 related. I did tell him yesterday that the trial would proceed
8 with or without him at 9:30 this morning. In terms of any
9 contempt of this Court for this afternoon, while I agree with
10 you, he's not here under compulsory proceedings, once he's
11 called as a witness, I order him to take the stand, I think we
12 have a different situation.

13 MR. SOUTHERN: I discussed that with him earlier.

14 THE COURT: Under Rule 107, probably the most
15 unusual part of this, Ms. Edinburg, she's requesting that
16 they be allowed to go in the house. That's something I really
17 have to think about. I think that the contempt proceeding
18 goes, Ms. Edinburg, do you wish to speak?

19 MS. EDINBURG: No. I was just going to give you a
20 little more information why we think that's important. You
21 might recall when Mr. Cravin and Mr. Jones testified, he closed
22 the businesses down. Everything had been moved out of that
23 location where he formerly did business. He's doing business
24 out of his house. He has a safe there.

25 I believe Mr. Campbell knows about the safe. We've

1 heard that things are being held there in the safe. Mrs.
2 Wilfred has not been in the house since February 28, 1989,
3 some year and a half ago, and it's the family home. Her name
4 is on the deed, and I think she's abided by the restraining
5 order, and not gone near anything or anywhere near Mr. Wilfred.
6 I think the Court has the power to order that if there's a way
7 to get some of the documents that this Court has twice ordered
8 Mr. Wilfred to produce to us.

9 THE COURT: Well, that would not be the subject
10 of this contempt.

11 MS. EDINBURG: I understand.

12 THE COURT: There might be some ancillary things.
13 While I'd like to tell Mr. Wilfred, I'm ordering him to take
14 the stand, he's here, and answer questions of Ms. Edinburg.
15 I'd like the record to reflect that Mr. Wilfred is sitting in
16 court at Respondent's table with Mr. Southern, and that he's
17 not looked at the Court all day, nor has he given any response
18 whatsoever, although he did shake his head to Mr. Southern.

19 Having ordered Mr. Wilfred to take the stand, the
20 Court finds that Mr. Wilfred has not taken the stand; that he
21 has the ability to take the stand and to answer questions; that
22 in failing and obeying to take the stand, he is willfully
23 disobeying a lawful order of this Court. The Court finds that
24 this conduct is offensive to the authority and dignity of this
25 Court. Therefore, the Court finds that the Respondent is

1 guilty of contempt of this Court, and in open court. The Court
2 finds that the Respondent has the ability to respond to the
3 Court; that he is, therefore, since refusing and deliberately
4 willfully disobeying a Court order, the Court orders as a
5 remedial contempt, that he be imprisoned in the Arapahoe County
6 jail until such time as he finds himself willing to come before
7 the Court and testify, and a mittimus will issue.

8 MS. EDINBURG: Your Honor, procedurally, may I
9 inquire, does the Court want to have Mrs. Wilfred's testimony,
10 and at least get some testimony before they take him, or do you
11 want to take him now?

12 THE COURT: Well, that's fine. We have another
13 half hour to go, so if the Sheriff does not mind, Joanne will
14 do the mittimus, and you can take him at 5 o'clock.

15 MS. EDINBURG: I'd like to call Mrs. Wilfred.

16 THE COURT: Ms. Edinburg, we're going to be able
17 to put you in at 9:30 tomorrow morning. Can you be here?

18 MS. EDINBURG: I have an 8:15 hearing. I can be
19 here by 9:15.

20 SANDRA WILFRED

21 was called as a witness to testify on her own behalf, having
22 first been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. EDINBURG:

25 Q Would you state your name for the record spelling

1. your last name, please.

2. A Sandra Wilfred. W-i-l-f-r-e-d.

3. Q And are you the Petitioner in this case?

4. A Yes, I am.

5. Q Are you married to Harmon Wilfred?

6. A Yes, I am.

7. THE COURT: Just a moment, Mr. Southern?

8. MR. SOUTHERN: I apologize for interrupting, Your
9. Honor, but does the Court need my services any longer?

10. THE COURT: No, you may be excused. I do appreciate
11. you helping.

12. Q (By Ms. Edinburg) What was the date of your
13. marriage?

14. A August 18, 1982.

15. Q And the date of your separation?

16. A February 28, 1989.

17. Q And have you lived separately and apart since that
18. time?

19. A Yes, we have.

20. Q You've filed a petition requesting the Court to
21. dissolve your marriage?

22. A Yes, I have.

23. Q And do you believe that your marriage is
24. irretrievably broken?

25. A Yes, I do.

1 Q Is there any hope of reconciliation?

2 A No.

3 Q Are you requesting the Court dissolve your marriage?

4 A Yes, I am.

5 Q Are you requesting a restoration of your former name?

6 A Yes, I am.

7 Q And what is that?

8 A Sandra Ann Allen, A-l-l-e-n.

9 Q And will this name change in any way adversely affect
10 any third party specifically any creditors?

11 A It shouldn't.

12 Q No children were born during the marriage. You
13 adopted Tyler; is that right?

14 A That's correct.

15 Q And how old is he?

16 A Tyler is about two and a half.

17 Q When's his birthday?

18 A December 30, 1987.

19 Q And you're not pregnant at this time?

20 A No, I'm not.

21 Q Mrs. Wilfred, you're requesting the Court to award
22 you what is known as sole custody?

23 A Yes, I am.

24 Q Do you believe you're a fit and proper person to
25 have sole custody?

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A Yes.

Q Has Mr. Wilfred made statements to you, to myself, that he will stop at nothing until he gets custody of Tyler?

A Yes. I've heard those statements made, and it's when we were in court.

Q And would you just briefly tell the Court what happened the morning of February 28th when you left the family home?

A There were a variety of instances prior to that. There were two or three days of aggression, unusual behavior. The day before, he had told me he was leaving, he was moving out of the house. He told me he would prepare a list of possession he was taking with him. It was very early on Tuesday morning about 7 o'clock, and he came to me and said that he hadn't prepared his list of possession in writing, but that he was adding Tyler to that list, that God had given me the authority to take possession of Tyler, and that he would be leaving, he would be out of the house by the weekend. And he put on his jacket and went to work.

I immediately called a friend, and she made arrangements for me. I left the house that day with Tyler.

Q Do you believe that in any way Mr. Wilfred is capable of caring for Tyler?

A Caring for him, taking care of him?

Q As a custodian parent?

1 A No, I don't.

2 Q Did Mr. Wilfred in any way prior to the separation
3 take an active role in parenting Tyler?

4 A No. I would say I did about 95 percent of the care,
5 and he did 5 percent of the care. And Harmon rarely played
6 with Tyler. He would -- it was interesting to watch, because
7 it was done for show. If he ever took Tyler for a walk, he
8 would sort of look out and watch the neighbors on the street to
9 make sure the appropriate number of people were watching him
10 take Tyler in the stroller. He presented himself as this
11 loving father, wonderful father, and yet, I used to almost have
12 to make Harmon come up the stairs and tell Tyler good night.
13 There were times that a whole month went by, that I don't think
14 Harmon even looked at him. He would come home from work. One
15 was during September of 1988, he read the bible front to back
16 three times during that month. He would go upstairs when he
17 would come home from work, grab something to eat, and would go
18 upstairs. He would come home from work, and he wouldn't even
19 remember that Tyler was living with us. He was very focused on
20 reading.

21 Q Let's turn to the visitation. From the time that
22 you left the family home, the Court ordered that there be
23 supervised visitation. That was pursuant to a restraining
24 order initially issued by Referee Ware; is that right?

25 A Yes.

1 Q And did you and I cooperate with Mr. Wilfred? He
2 contacted us which was almost two months after you had moved
3 out?

4 A I think it was closed to about 30 days, but I had
5 moved out. I believe Ms. Edinburg wrote Mr. Wilfred a letter
6 and said visits would be supervised, how Mr. Wilfred was to
7 continue to proceed, and we did not hear anything until the
8 Monday after Easter, which would have been almost 30 days after
9 I left. That Monday he requested the first visit. The
10 following Wednesday, two days later, we got a threatening
11 letter advising us of all sorts of things including not
12 allowing him to see his son. It was about 30 days later.

13 Q And did we have some difficulty setting up the usual
14 visits in terms of finding an appropriate supervisor?

15 A Yes. That was left to me. I called many of our
16 friends. No one wanting anything to do with him which
17 basically was the problem. They didn't want Harmon around
18 their children. They just didn't want to be around him. I
19 couldn't find anyone, any of his friends to do the supervised
20 visitation. Suprisingly a friend, Diana Caprona, (phonetic)
21 whose husband is a police lieutenant, he agreed to supervise
22 the visits. It took about a week to set up the first visit.

23 Q Did we attempt to talk to Children's Hospital
24 in terms of initial visits?

25 A Yes. I went to Children's Hospital. I went

1 through their intake program, but Harmon refused to allow this.
2 He didn't want the visits at Children's because he want visits
3 at the home. That's been a major point. Harmon would not take
4 Tyler. He would not agree to see Tyler unless he could take
5 him to the house. He came for a visit one evening, and Tyler
6 did not want to go. It took about 20 minutes to get Tyler into
7 the car. I suggested that they go have dinner at a local
8 restaurant, so they wouldn't have to drive. It probably would
9 take about 30 minutes between our homes. He refused, so he
10 spent ten minutes with him under the tree in the front yard.

11 He told me if he couldn't take him home, he'd
12 rather not see him, which was basically my understanding.

13 Q Now, you've heard the testimony of Mr. Campbell;
14 is that right?

15 A Yes.

16 Q And you have sat and listened to the other witnesses?

17 A Yes.

18 Q What's your feeling now about whether or not this
19 Court should order any visitation between Mr. Wilfred and
20 Tyler?

21 A That's something that I'm concerned about. Even
22 this morning, I mentioned to Dave Campbell that I wanted what's
23 best for Tyler. I would like Tyler to have the most normal
24 relationship as possible with his father whether his father is
25 divorced from me or not. I don't feel that Harmon at this

1 point can provide a normal relationship. I think the argument
2 has been in the past that children, when they're allowed
3 to see their fathers, grow up idolizing their father when their
4 father is allowed to see them and have continuing visits, that
5 they have a dad. I don't think an hour a week is going to
6 allow Tyler that opportunity to see his dad. I think that it's
7 got to be very controlled. I want what's best for Tyler.

8
9 Q Are you concerned about Mr. Wilfred's psychological
10 state and emotional state as he's presented to the Court when
11 we were here on May 8th and yesterday and today?

12 A Yes, more so than ever.

13 Q Is this behavior that we're seeing in court today,
14 typical or usual for Mr. Wilfred? Is this pretty abnormal for
15 him to remain silent and quiet for an extended period of time?

16 A I've never seen him remain silent. This is probably
17 normal especially for the last two hearings. I've seen a lot of
18 unusual behavior, but never silence like this.

19 Q Let me ask you some questions about this request
20 of ours to allow you to go to the home and get some documents.
21 When was the time you were at the home -- family home?

22 A The date I moved out, February 28, 1989.

23 Q Have you been allowed access to any of the records
24 of any of the corporations that you and Mr. Wilfred were
25 involved during your relationship?

A I received a box on my door step sometime in

1 February 1989. I don't remember who brought it. It was
2 6 o'clock in the morning. there was a box propped up against
3 my front door. I assume it was delivered by a currier. It
4 contained some photo copies of some of the records of Westmarc
5 Corporation. It appears they were hand picked. They came from
6 Harmon. Nothing really of value, a lot of check stubs and some
7 records. I haven't seen any accounting of his personal
8 records. I have no idea where I stand on these loans. I have
9 no idea where he has a checking account. I don't know what my
10 liabilities are as well as assets.

11 Q Have we in the last months subpoenaed various bank
12 records and done the best we could given what information we
13 had?

14 A Yes.

15 Q At this time, let me hand to you what's been marked
16 Petitioner's Exhibit 4 and ask if you recognize this document?

17 A It looks like it's an accounting of cash balances as
18 of May 30, 1989, cash in the bank for several of the entities. I
19 don't recall where it came from. It could have been in the box
20 received from Mr. Wilfred.

21 Q And to the best of your knowledge, we have
22 subpoenaed five banks?

23 A Yes.

24 Q Asking for a listing of all those different accounts?

25 A Yes.

1 Q Have we been provided with all the information?

2 A No, we have not.

3 Q What's the sum in those five -- in all those
4 bank accounts?

5 A As of May 30, 1989, \$226,927.10.

6 Q That's approximately one month before Mr. Wilfred
7 filed bankruptcy; is that right?

8 A Yes.

9 MS. EDINBURG: Your Honor, I'd offer Petitioner's
10 Exhibit 4 into evidence.

11 THE COURT: Mr. Wilfred?

12 (Whereupon, Mr. Wilfred gave no verbal response, nor
13 did he look at the Court when being addressed.)

14 THE COURT: Ms. Dycus?

15 MS. DYCUS: No objection, Your Honor.

16 THE COURT: Exhibit 4 will be received.

17 (Petitioner's Exhibit 4 was admitted into evidence.)

18 Q (By Ms. Edinburg) Would it be helpful for the Court
19 at this point to allow you access back to the family home?

20 A Again, as Ms. Edinburg said, when the office was
21 vacated on June 8th and 9th of 1989, literally, furniture
22 was moved out over the weekend and skipped out on the lease.
23 It's my understanding that an office was set up at the
24 residence, and I believe he stated in one of his letters to the
25 bankruptcy court that all records are kept at the residence. I

1 believe that we also inquired in the bankruptcy court hearing
2 as to the contents of the safe. Mr. Wilfred refused to
3 answer.

4 The bankruptcy attorney said, "You're under oath.
5 You have to answer." He refused to. Phyllis Lambert says there
6 are diaries in the safe. I feel that is valuable. I feel he
7 has concealed assets from the bankruptcy court. We have stacks
8 and stacks of bank statements. We have turned them over to
9 Jeffrey Hill, the bankruptcy trustee, but I feel there's a lot
10 of hidden information that could be at the house.

11 Q I'll hand you what's been marked as Petitioner's
12 Exhibit 5, and ask if you can identify this document.

13 A This looks like a summons to the bankruptcy court
14 regarding Case 89B099827 signed by Harmon Wilfred. The
15 date -- I'm sorry, there's no date on here. It says
16 attached to this letter and explains the following list of
17 reports, and it looks like it's just a financial statement to
18 the bankruptcy court.

19 Q That's a letter where he indicated he operates
20 out of the house, and business records are in the home.

21 A I'm sorry, I'm not seeing that.

22 Q I don't remember it that was a letter or it was
23 in an opening hearing that you had with the bankruptcy
24 court.

25 A This one says to my wife, personally. It lists

1 that I took all the household furniture, and I left him
2 enough furniture to sleep on.

3 Q Okay. So, there is a wife in the family home?

4 A Yes.

5 Q And to the best of your knowledge, have we done a
6 title search to see if you're still on the family home
7 title; is that right?

8 A Yes, I have a copy of that.

9 Q You're on both loans?

10 A Yes.

11 Q And do you know whether or not Mr. Wilfred has
12 taken furniture that was office furniture, computer equipment
13 that was in the office?

14 A It's hard to determine. I know the value of those.
15 There's a note against this collateral at First Colorado Bank
16 and Trust, and I received a letter from Mr. Wilfred that said
17 he's taking the furniture back and payments of a note for
18 \$38,000. I don't think his furniture is truly worth that, but
19 I have no idea what the furniture is worth, probably several
20 thousand dollars. The amount changes every time a bankruptcy
21 report is filed. It's gone from \$8,000 to \$10,000. I don't
22 know.

23 Q Are you on that note?

24 A For the furniture, not that I know of, but I
25 don't know. Early in the marriage, I was signing a lot of

1 documents. He'd say, "Here, sign this. We need to get this
2 loan," and I remember one specifically. I found that it was a
3 deed or trust encumbering a second mortgage against the house.
4 You know, I'm not on the note personally at First Interstate
5 Bank. I have been encumbered on the house by a deed of trust.
6 Early in the marriage, there was other information we can't
7 find. We contacted lenders, but they wouldn't talk to me. We
8 would have to get the information through Mr. Wilfred.

9
10 Q Why won't lenders talk to you?

11 A I've called several banks.

12 Q What do they say?

13 A Well, in this case, First Interstate Bank wouldn't
14 talk to me. I found out by accident I was on the deed of
15 trust, but I wasn't liable. They couldn't give me information.
16 It was a very unusual situation.

17 Q How many computers were in the office at Westmarc.

18 A I'm not sure, but I think three.

19 Q If I were to tell you I had information that there
20 was six computers in the house, would that surprise you?

21 A Not at all.

22 Q Do you know anything about six computers?

23 A No, I don't, but it wouldn't surprise me.

24 Q In one of the banks we subpoenaed, I think it was
25 United Bank of Hylands Ranch, we found an account that Mr.
Wilfred had recently opened, and it showed he had been

1 purchasing new furniture at Homestead House?

2 A It was very interesting when we were in bankruptcy
3 court before Judge Brooks. The reason we were before Judge
4 Brooks, a cash settlement in the amount of \$125,000 was paid
5 from City Federal directly to Harmon Wilfred. He got cash, put
6 it in an account called "Wilfred Investments." This was not in
7 bankruptcy, and did not report it on any bankruptcy record as an
8 asset. We found out about the cash. We filed a motion to have
9 that money deposited in the registry of the bankruptcy court
10 because it truly was part of his estate. He found that motion.
11

12 Finally, we were before Judge Brooks. We had a
13 hearing in front of the judge, and the judge ordered that
14 absolutely that was part of his estate, and ordered that he
15 deposit it in the registry of the court. Mr. Wilfred delayed
16 on that until the last possible minute. He deposited the money.
17 I believe we were back for another hearing in front of
18 Judge Brooks, and let's see, I have lost my train of thought.

19 Q In October, he deposited the \$125,000?

20 A Yes. He deposited the \$125,000 into the registry
21 of the court.

22 Q Then Judge Brooks allowed him to withdraw some of
23 the \$125,000?

24 A Yes. Mr. Wilfred appeared in front of Judge Brooks
25 all teary eyed and said his wife took, I believe his comment
was, 90 percent of the marital property, and he was just a poor

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guy trying to make ends meet. Everyone was out to get him. He had no income and asked the Judge to not require that he keep the money in the bankruptcy court. Judge Brooks ruled on that and allowed Mr. Wilfred \$50,000 to use as expense money. The remaining \$75,000 is in the bankruptcy court.

Judge Brooks was very firm and specifically instructed Mr. Wilfred that he had a fiduciary responsibility with that money and to watch it very carefully; that I believe his exact words were, creditors are going to be watching as well as I will. We found records at United Bank of Hylands Ranch that indicated soon after that money was deposited by Mr. Wilfred. I believe the next Monday, checks cleared, I counted 54 checks. They cleared the bank for a total of \$23,000. This did not include any payment to his credit cards.

He went on an absolute spending spree the next month. Forty checks cleared totally \$19,000. So he spend the \$50,000 within two and a half months, and now he's claiming poverty because he spent the money. I don't know what he bought. I did notice that part of the documents he provided to us were partial check registers to the bankruptcy court. There were two checks going out to Homestead House for new furniture. one bedroom set, new recliner, the other, I haven't been able to obtain a copy of. I don't know what he bought.

Q Mrs. Wilfred, do you know what the marital estate consists of at this point in time?

1 A Truly, I have no idea. I don't know how much cash
2 is missing. I know that the day before I moved out, I believe
3 the check copies were already submitted into evidence in this
4 court. He cleaned out the bank account. A certificate of
5 \$25,000 was missing. I'm guessing somewhere around thirty to
6 \$35,000 was taken around the date I moved out. Since then,
7 there's a lot of cash missing. There are documents that don't
8 match. You and I tried to go through the bank statements and
9 find a withdraw that would show a transfer into another
10 account. None of the amounts match up. They're off a day or
11 two. They're off an amount. There is well over 20 separate
12 checking accounts, and I believe it would take someone like
13 Jeffrey Hill, the trustee for the bankruptcy court, to go
14 through these records or a CPA. This could be anywhere between
15 several thousand up to a half a million missing.

16 Q And do you have a belief that Mr. Wilfred has a lot
17 of documentation in the family residence?

18 A I'd say that's probably where they are, or in the
19 safe deposit box, although the records, if he has all the
20 corporate records, he may have them in storage somewhere, but I
21 would think the more logical place is probably at the residence
22 because that's where his office was set up.

23 MS. EDINBURG: Your Honor, does the Court want me
24 to keep going?

25 THE COURT: I'd like to hear from Mr. Wilfred as

1 to his opinion as to whether Mrs. Wilfred should go into
2 the family home this evening.

3 (Whereupon, Mr. Wilfred gave no verbal response, nor
4 did he look at the Court when being addressed.)

5 THE COURT: Mr. Wilfred declines to take part. He's
6 sitting at the table. He's looking at his hands. The Court is
7 going to allow Mrs. Wilfred to go into the family home. She's
8 to go with -- I don't know if the Sheriff will help, but I
9 would like her to have some assistance of the local police
10 authorities because I want to make sure that there is no
11 accusation of her taking anything that does not belong to her.
12 She may open the safe if she can. She may go into the family
13 home. She may take whatever documents are pertinent, but she,
14 again, has a fiduciary duty to guard all those documents both
15 for the bankruptcy court and for this Court, and not remove
16 anything that is not pertinent, or things that belong in the
17 family home.

18 MRS. WILFRED: Mr. Wilfred went through the house
19 and anything that was related to me, like my bed pillow, he put
20 in the garage and instructed me either to bring a truck over
21 and pick it up or it was going in the trash. There was some
22 marital property. I can't claim any personal property. May I
23 ask what if we find cash?

24 MS. EDINBURG: We'll bring it the court.

25 MRS. WILFRED: Can we do that?

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THE COURT: We'll be in recess. I'd like Mr. Wilfred brought back to this courtroom tomorrow morning at 9:30 so that we can determine whether he has changed his mind.

(Whereupon, the Court adjourned this matter at 4:53 p.m.)

REPORTER'S CERTIFICATE

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2 The above and foregoing is a true and accurate
3 transcription to the best of my ability of my stenotype notes
4 taken in my capacity as the Official Shorthand Reporter,
5 Division 10, Arapahoe County District Court, Englewood,
6 Colorado.

7 Dated this 3rd day of November, 1990.

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10 Sandie Noblitt
11 Court Reporter
12 Division 10
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