

1 DISTRICT COURT, ARAPAHOE COUNTY, COLORADO

2 Case No. 89 DR 477, Division R-1

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4 TRANSCRIPT OF TAPE RECORDED PROCEEDINGS

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6 IN RE: In the Matter of the Marriage of:

7 SANDRA WILFRED,

8 Petitioner.

9 vs.

10 HARMON WILFRED,

11 Respondent.

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13 THIS MATTER came on for Temporary Orders Hearing on
14 Friday, March 3, 1989, before the HONORABLE VIRGINIA WARE,
District Court Referee.

15 The following is a complete transcript of the
16 proceedings held.

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1 MORNING SESSION, FRIDAY, MARCH 3, 1989

2 (Whereupon, with all parties present the following
3 proceedings were had:)

4 THE COURT: Calling at this time 89 DR 477. In Re:
5 the Marriage of Wilfred. Counsel, would you come forward
6 please with your client and enter your appearance, please.

7 MS. EDINBURG: Good morning, Your Honor. I'm
8 Elaine Edinburg and we just filed a petition and covenants
9 of petitioner Sandra A. Wilfred.

10 THE COURT: Alright. Ms. Wilfred, do you want to
11 have a seat at that table please and raise your right hand.
12 Do you solemnly swear or affirm under penalty of perjury that
13 the evidence you're about to give in this matter will be the
14 truth, the whole truth and nothing but the truth?

15 MS. WILFRED: I do.

16 THE COURT: Move that microphone over in front of
17 you. Our only record in this Court. Ms. Wilfred, is a tape
18 recorder.

19 MS. EDINBURG: I'm assuming that I could sit there
20 also, Your Honor.

21 THE COURT: You may sit down, be seated, Ms. Edinburg.
22 The Court has read your verified motion and you may proceed,
23 counsel.

24 SANDRA WILFRED

25 called as a witness on her own behalf herein, after first being

1 duly sworn was examined and testified as follows:

2 DIRECT EXAMINATION

3 BY MS. EDINBURG:

4 Q Would you please state your full name and spell your
5 last name for the record?

6 A Sandra Ann Wilfred, W-i-l-f-r-e-d.

7 Q Are you the petitioner in this action?

8 A Yes, I am.

9 Q And is Harmon Wilfred the respondent your husband?

10 A Yes, he is.

11 Q Have you just filed a petition requesting the Court
12 to dissolve your marriage to Mr. Wilfred?

13 A Yes, I have.

14 Q And you also filed a motion for a exparte
15 restraining order and injunction?

16 A Yes, I have.

17 Q Are the allegations in that verified motion true
18 and accurate to the best of your authority or understanding?

19 A Yes, they are.

20 Q Now there has been some history of problems with
21 your husband in terms of violence when you do not submit to
22 him or give him his way, is that correct?

23 A That is correct.

24 Q Plus recently has he threatened to take your minor
25 child, Tyler?

1 A He has.

2 Q When was that?

3 A The most recent threat was tuesday morning, February
4 28th.

5 Q And what did he tell you at that time?

6 A At that time he told me he had it upon god's
7 authority that he was to move out over the weekend and that
8 he would be taking our son Tyler with him.

9 Q Had he at any other point in time attempted to
10 take Tyler away?

11 A Yes, he did. On christmas eve 1988 he decided that
12 we shouldn't go to a neighborhood party. That Tyler really
13 needed to be with good christian people that evening and he
14 came home in the afternoon, walked out of the door. He
15 grabbed the baby, physically took him from me, walked out the
16 door with the baby. I called the Arapahoe County Sheriff.
17 They were there within a few minutes. There was some physical
18 violence at that point right before the Sheriff got there.
19 He did come back and everything calmed down.

20 Q Do you believe he has the capability to take Tyler
21 away from you and the Court's jurisdiction if this restraining
22 order is not issued?

23 A I certainly do, yes.

24 Q Have you removed yourself from the family home and
25 are you currently in a safe place?

1 A Yes, I am.

2 Q And are you willing to allow him to have visitation
3 in what's known as a supervised setting?

4 A Yes, I am.

5 Q Has Mr. Wilfred's behavior been bazaar and
6 irrational lately?

7 A Yes.

8 Q And does he also have a history of violence?

9 A Yes, he does.

10 MS. EDINBURG: Your Honor, is there any further
11 question (inaudible)

12 THE COURT: No further testimony, Ms. Edinburg.
13 The Court's always concerned with regards to an exparte order
14 that basically for all practical purposes is a custody order.
15 Bring me the book please. I see that you have filed your
16 motion for temporary orders and I'm going to set that. I have
17 also striken the language with regards to immediate arrest.
18 Ms. Wilfred, does your husband have some place to go?

19 MS. EDINBURG: Your Honor, he's living in the familv
20 home.

21 MS. WILFRED: Yes, I left.

22 MS. EDINBURG: She left with the child.

23 MS. WILFRED: I left, yes. I'm staying with
24 friends at the moment.

25 MS. EDINBURG: We're going to set temporary orders,

1 Your Honor?

2 THE COURT: I'm going to set temporary orders, yes.
3 If I can find a place to set it.

4 MS. EDINBURG: We have a notice to set it next
5 wednesday after he's served. We were going to serve him today.
6 I think our notice to set is for wednesday the 8th. Is that
7 part of the Court file?

8 THE COURT: What the notice to set?

9 MS. EDINBURG: Notice to set, March 13th.

10 THE COURT: Right. Alright, why don't we proceed
11 that way. I'll just put on here this matter is to be set
12 as soon as possible.

13 MS. EDINBURG: That's fine.

14 THE COURT: At this time the Court finds that
15 irreparable harm would occur with the petitioner and child.
16 The temporary restraining order did not enter ex parte.
17 Therefore, recommends the entry of the temporary restraining
18 order. Counsel, would you approach please? You will need to
19 take that to Division 10. Thank you. Good luck, Ms. Wilfred.

20 (End of proceedings.)

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CERTIFICATE

I certify that I transcribed this record from that tape recording of the above-entitled matter which was heard on March 3, 1989.

I further certify that the aforementioned transcript is a complete and accurate transcript of the tape-recorded proceedings based upon the audio facilities of these tapes and my ability to understand them.

SIGNED this 21st day of April, 1989, at Bvers. Colorado.

Debra L. Castro

Debra L. Castro

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