

1 DISTRICT COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO

2 Case No. 89DR477, Division 10

3 -----
4 REPORTER'S TRANSCRIPT
5 -----

6 In re the Marriage of:

7 SANDRA WILFRED,

8 Petitioner,

9 and

10 HARMON WILFRED,

11 Respondent.
12 -----

13 The above-entitled matter commenced on Monday,
14 April 17, 1989, before the HONORABLE JOYCE S. STEINHARDT,
15 District Court Judge.

16 A P P E A R A N C E S

17 FOR THE PETITIONER: Elaine Edinburg
18 Attorney at Law

19 FOR THE RESPONDENT: Steve Segall
20 Registration No. 10692
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24
25

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1 AFTERNOON SESSION, MONDAY, APRIL 17, 1989

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

4 THE COURT: This is Wilfred, 89DR477.

5 MS. EDINBURG: Good afternoon. I'm Elaine
6 Edinburg. I appear this afternoon with the Petitioner
7 Sandra Wilfred who appears with me at counsel table.

8 MR. SEGALL: Good afternoon, Your Honor. Steve
9 Segall, 10692, appearing on behalf of the Respondent, Harmon
10 Wilfred.

11 THE COURT: All right. This is a Motion to
12 modify or Set Aside a Temporary Restraining Order.

13 MR. SEGALL: That's correct.

14 MS. EDINBURG: Your Honor, may I make a brief
15 opening statement on behalf of the Petitioner?

16 THE COURT: It's his motion.

17 MR. SEGALL: Your Honor, on March 3, 1989, the
18 Referee recommended a temporary restraining order and
19 injunction which, if not exactly a temporary custody order,
20 is as close as you can get without it spelling out the
21 word "custody," granting the temporary possession of the
22 15-month old child adopted by these parties to the Petitioner,
23 and giving supervised visitation to be arranged through
24 Petitioner's Counsel's office to the Respondent.

25 The basis for the temporary restraining order

1 according to the motion was that there was some altercation
2 Christmas Even of 1988, between the parties where the
3 Sheriff's Department was called, and also that Mr. Wilfred
4 later declined to take the child.

5 The evidence will show that the Sheriff's Department
6 did respond, and I have a copy fo the Sheriff's Department
7 report whoch shows that there was no altercation. I will
8 also present testimony to show Mrs. Wilfred apparently had
9 planned the removal of the child from the marital residence
10 for some time; that all -- virtually all the furniture was
11 moved out of the marital household.

12 There has been no assault, no irreparable injury or
13 harm upon which to have such a restraining order entered.
14 More importantly, we have Mary Best Conrad (phonetic), who was
15 the social worker involved in the parties' adoption of the
16 child, and I think both parties can bring their friends to
17 testify as to their ability and their mental state.

18 THE COURT: We're not going to have temporary order,
19 Counsel. This matter is set for temporary orders in just
20 less than a month away, so --

21 MR. SEGALL: Well, it's been reset to June, but
22 I'm not --

23 THE COURT: Why was it reset to June?

24 MS. EDINBURG: Mr. Segall asked for it to be reset.
25 I agreed to accommodate his calendar to reset this.

1 THE COURT: We're not having temporary order.
2 We're having a Motion to Set Aside or Modify a Restraining
3 Order.

4 MR. SEGALL: The purpose of calling the social
5 worker is that she knew both of these parties and she knows
6 the child, and she recommended the placement for adoption,
7 and I think she would know whether or not this is an
8 appropriate case for restraining order. Thank you.

9 MS. EDINBURG: Your Honor, the file will indicate
10 that we did come to court on March 3rd and got an ex parte
11 restraining order that was served on Mr. Wilfred that
12 morning. I would tender to the Court a letter I received
13 in my office, the restraining order and my client's desire
14 and wish that he not take the child or see the child.

15 Your Honor, Mr. Segall entered his appearance on
16 or about March 30th. We have that notice regarding a forth-
17 with hearing. We have two witnesses who will testify to
18 their long history of knowing the Petitioner. She is not
19 emotionally imbalanced. The gentleman sitting over here,
20 Mr. Richard Crouse (phonetic) is the man who is providing
21 Mrs. Wilfred and the minor child, Tyler, refuge at his home,
22 at his residence. He's fearful of Mr. Wilfred. He is
23 requesting that the restraining order continue in full force
24 and effect. He spoke with Mrs. Wilfred the morning of
25 February 28th in whcih she made a frantic phone call because

1 of Mr. Wilfred' quote, that was on God's authority -- he had
2 been told by God to take the minor child. Mrs. Wilfred only
3 sought safety in an emergency restraining order to protect
4 the child from Mr. Wilfred.

5 We have evidence that she does not have any history
6 of mental imbalance. The social worker will verify that
7 when she did the placement study, she wouldn't have placed
8 the child in her care as long as there had been any history
9 of mental illness on the part of my client.

10 The other witness has known the Petitioner for 14
11 years and has observed her with the child and has information
12 and belief that the various allegations that have been
13 brought by the Respondent are untrue. Everyone feels that
14 Mr. Wilfred possibly would snatch this child and remove
15 him from the jurisdiction of this Court.

16 All we're asking is that we keep this child with
17 the Petitioner and safe. I've tried to work with Mr. Segall
18 to set up supervised visitation. Children's Hospital is now
19 available to do the supervised visitation, and that is what
20 we're asking the Court to enter and keep the restraining
21 order. We do have temporary orders set for June -- June 11th.
22 I tried to get their earliest date possible which was May 11th,
23 but Mr. Segall was not available. I agreed to accommodate
24 his calendar and reschedule the temporary orders. Thank you.

25 MR. SEGALL: We'd call the Respondent to the stand.

1

HARMON WILFRED,

2

was called as a witness to testify on his own behalf, having

3

first been duly sworn, testified as follows:

4

DIRECT EXAMINATION

5

BY MR. SEGALL:

6

Q Will you state your name and spell your last name.

7

A Harmon Wilfred, W-i-l-f-r-e-d.

8

Q And how old are you, Sir?

9

A Thirty-nine.

10

Q And how are you employed?

11

A Self-employed through the corporation that I've created called Westmarc.

12

13

Q Did you read the allegations contained in the Motion for Temporary Restraining Order filed by your wife?

14

15

A Yes, I did.

16

Q Okay. Did you ever threaten to take the child from her possession?

17

18

A Never.

19

Q Okay. What, if anything, happened in February -- late February or early March of this year that precipitated this restraining order?

20

21

22

A You mean before the adoption was finalized?

23

Q No, after the adoption was finalized.

24

A I can't tell you anything that actually occurred that would precipitate a restraining order of this magnitude.

25

1 Q Okay. How did you adopt the child Tyler?

2 A We adopted him through Lutheran Social Services.

3 We were on an adoption list for nearly four years.

4 Q And when was Tyler born?

5 A December 30, 1987.

6 Q And when was the adoption actually finalized?

7 A I think it was January. Well, actually received

8 the child January 9th. It was final June the 9th the

9 following year.

10 Q 1988?

11 A Probably.

12 Q And were there problems with your marriage during
13 this time?

14 A We had been through considerable financial
15 difficulty during this time. I'm in the real estate business,
16 especially in the shopping centers and office building, and
17 I think it's common knowledge that it had been a real difficult
18 thing to deal with at this time. When we received Tyler, we
19 still had a considerable amount to pay, and I think that the
20 financial difficulty was causing considerable strain in the
21 marriage.

22 Q Did you ever strike Mrs. Wilfred?

23 A We had some difficulty in October of last year. Let
24 me just give you some background. When there was financial
25 difficulty, Sandy became very angry with me. She felt certain

1 she was going to lose the child, so I had already talked to
2 Social Services. They basically said that even if I had
3 filed bankruptcy we wouldn't lose. She began at that time to
4 talk about leaving me even before the adoption was finalized.
5 What I had said to her at that time was that I would not go
6 before a judge and lie to a judge because she wanted to
7 leave. She was going to take the child after the adoption
8 was finalized. Well, I wouldn't go before a judge a lie and
9 say everything was fine with the family and do a disservice
10 to the adoption as well as the birth mother, and she
11 interpreted that I was going to have the child removed from
12 her, and since then she's been incredibly paranoid about
13 losing the child.

14 MS. EDINBURG: Your Honor, I'm going to object to
15 the use of the word paranoid.

16 THE COURT: Sustained. That will be stricken.

17 MR. WIFLRED: Okay. I'm sorry, Your Honor.

18 Q (By Mr. Segall) You may proceed.

19 A But, we talked about it some, and she began to
20 settle down a little bit. As soon as the adoption was final,
21 she began to talk about leaving me again to a point where she
22 actually called me when I was out of town once and told me
23 she was considering taking the furniture and moving out.

24 Q Do you recall when that was?

25 A It was probably in June or July.

1 Q 1988?

2 A Yes, keeping in mind the financial difficulties had
3 only gotten worse. It hadn't gotten better. Things were
4 real tough. In fact, until around May or June when things
5 eased up a bit, things were really tough on Sandy. I don't
6 blame her if she was feeling security was something that was
7 very high on her list, but for what is going on right now,
8 there's no rhyme or reason for it. As time went on, her
9 anger developed to the point where from around June or July on,
10 she wouldn't even touch me. She wouldn't touch me. She
11 wouldn't let me touch her.

12 THE COURT: Mr. Segall, ask him to just answer the
13 question. We have a nice history. We don't need to go any
14 further.

15 Q (By Mr. Segall) Was there ever any physical
16 altercation between yourself and Mrs. Wilfred?

17 A Yes.

18 Q When did that occur?

19 A In October.

20 Q Of what year?

21 A Last year.

22 Q What happened?

23 A We had gone to bed. I had approached my wife in
24 bed. She turned her back on me as she usually had done. It
25 was five or six months since she had touched me physically.

1 I had gotten -- I hit a breaking point. I got out of bed.
2 I wanted to talk. I wanted to discuss what she was feeling.
3 She not only did not want to discuss it, she begun yelling
4 at me. I got up and I pulled the covers off the bed. I
5 said, "You're not going to go to sleep until we talk." She
6 begun to kick me below the belt. I bent over. She slapped me
7 in the face, so I slapped her back.

8 Q Was there -- other than that, were there any other
9 physical altercations other than the police report that you
10 were referring to earlier on Christmas Eve of '88?

11 A Yeah. I came home from work. Sandy insisted that
12 I be Santa Claus for a kid's party. I told her I was tired,
13 I didn't feel like it. She got very angry with me. She
14 got up and put Tyler down on the landing inside a little
15 fenced area and went into the bathroom. He was screaming.
16 I went upstairs. I picked him up to stop him from screaming.
17 She came out, hysterical, and began to hit me and trying to
18 take the baby away on the landing upstairs near the banister.

19 So I -- I pulled away. I put my hand out to try
20 to stop her, and she bit my hand. I've actually got a scar
21 on my hand where she was biting me. I tried to pull my
22 hand back. She held onto it and fell down. I went downstairs,
23 out the front door knowing that she would not continue to
24 behalf that way if I went out. When I did that, she called
25 the police and told the police taht I was beating her up.

1 So I brought the baby back in. I handed the baby
2 back to her. I left the house to give her some time to calm
3 down. I came back a half an hour later. Sure enough, there
4 were two police cars there. They took me in the interviewing
5 room. The police report pretty well confirms that.

6 MR. SEGALL: If I may have the police report marked.

7 MS. EDINBURG: I'm going to object, Your Honor. He
8 can mark it, but it's a hearsay document.

9 MR. SEGALL: Your Honor, if I may, I'd move for
10 the admission of Respondent's A which is self-authenticated.
11 The copy present to the courthouse has stamped Arapahoe
12 County Sheriff's Department and the signature of the
13 custodian of records indicating that it's a true and
14 authenticated copy of their report. She was subpoenaed.
15 She provided me with a copy of the report of this incident.

16 MS. EDINBURG: Your Honor, I'm going to object to
17 the admission of Respondent's A. It's a hearsay document.
18 Although the documents are not presented for cross-examination,
19 I think it's substantially inappropriate to produce a
20 document this way that purports to draw a conclusion and
21 has information that I think is not proper before the Court
22 today.

23 THE COURT: Sustained.

24 MR. SEGALL: Your Honor --

25 THE COURT: Mr. Segall, that document is no more

1 authenticated than his testifying as to his version of what
2 happened to me and her testifying to what her version of it.
3 Those policemen were not there.

4 MR. SEGALL: Okay.

5 THE COURT: They were there after the fact. That's
6 why I'm not admitting those. You might just as well know
7 that it's their conclusion after talking to these people.
8 They did not all observe the altercation. They are not here
9 for cross-examination. Ms. Edinburg would naturally want to
10 ask them questions. They're just not worth the paper they're
11 written on.

12 MR. SEGALL: I'm certainly not arguing with the
13 Court. The report of the Sheriff's officers are premised
14 upon what the parties told to the Sheriff's officers, and it
15 is the record that's kept in the ordinary course of business.
16 The custodian was subpoenaed and --

17 THE COURT: The custodian is not what Ms. Edinburg
18 wants. Ms. Edinburg wants the parties that were there, the
19 police officers.

20 MR. SEGALL: May I approach the witness?

21 THE COURT: Yes, You may.

22 Q (By Mr. Segall) Now, I'm handing you what's been
23 marked for identification as Respondent's Exhibit B. What
24 is that?

25 A They look like photographs of the inside of our house.

1 Q Who took them?

2 A I did.

3 Q When did you take them?

4 A I took them just after Sandy moved out.

5 Q Do they substantially represent or depict the
6 condition of your house?

7 A Yes.

8 MR. SEGALL: Move for the admission of Respondent's
9 B.

10 MS. EDINBURG: May I see it? (Pause) I would
11 object to the admission of this evidence -- of this exhibit.
12 It's not relevant as far as a restraining order is concerned.
13 We have --

14 THE COURT: What's the relevance?

15 MR. SEGALL: The reason is that an entire household
16 of furniture was moved out apparently on an emergency basis,
17 and if, in fact, a restraining order is issued when there is
18 an emergency, it would appear to be very clear that moving
19 an entire household of furniture with a 15-month old child
20 probably was planned in advance. I mean, it was just
21 incredible to think that this could be arranged on an hour or
22 two hours' notice.

23 THE COURT: B will be received.

24 (Respondent's Exhibit B was admitted in evidence.)

25 Q (By Mr. Segall) Mr. Wilfred, did you ever threaten

1 to take the child away from Mrs. Wilfred?

2 A Never.

3 Q Did she ever threaten to take the child from you?

4 A Yes.

5 Q When did she do that?

6 A When I was on a business trip back around March or
7 April, and i called home, and she basically said she was
8 considering seriously taking Tyler and the furniture and
9 leaving.

10 Q When did she leave the house?

11 A She actually leave?

12 Q Yes, sir.

13 A February 28th of this year.

14 Q Had she discussed this with you the day or two
15 beforehand?

16 A No.

17 Q Was it with your permission?

18 A Absolutely not.

19 Q How often have you been able to see your son since
20 the restraining order entered?

21 A In the last seven weeks, I've seen him twice, one
22 hour a week.

23 Q What were the circumstances of your being able to
24 see the child?

25 A I was forced to meet him at a park with an off-duty

1 policeman.

2 Q How much time could you spend with him?

3 A One hour each.

4 Q Is Tyler frightened of you?

5 A Not at all.

6 Q Did you take pictures at the first meeting?

7 A Yes. This was at the first meeting.

8 Q I'll hand you what's been marked as Respondent's C.

9 Would you identify those, please.

10 A Those were pictures taken at the one hour meeting
11 at Wallace Park near the Denver Tech Center near my office.

12 Q When were they taken?

13 A I'm not recalling what the exact day was.

14 Q Was it an afternoon two weeks ago?

15 A It's probably two weeks.

16 Q Did you take those pictures?

17 A Actually, a lot of pictures were taken by the
18 off-duty police officer.

19 Q Was that Officer Camino (phonetic)?

20 A Yes, Dale Camino.

21 Q Was Tyler afraid to be with you?

22 A Not at all.

23 Q Did he have a good time?

24 A He had a wonderful time.

25 MR. SEGALL: Move for the admission of --

1 MS. EDINBURG: Your Honor, it's not relevant to
2 the temporary restraining order. It's not a custody hearing.
3 I don't know what purpose it's going to have other than to
4 prejudice the Court when you look at these pictures.

5 I mean, he's obviously with his dad. We have no
6 intentions at all to preclude Mr. Wilfred from seeing his
7 child. All we're doing is making sure that Tyler is not
8 absconded from the State or Country. I would object to the
9 admission of Exhibits B or C.

10 THE COURT: C will be admitted.

11 (Respondent's Exhibit C was admitted in evidence.)

12 THE COURT: Mr. Wilfred, did you write this letter?

13 MR. WILFRED: Yes, Ma'am.

14 THE COURT: Did you send a copy?

15 MR. WILFRED: I did, yes. Actually there were
16 two letters, Your Honor. One of them I did send a copy of.

17 THE COURT: Addressed to Ms. Edinburg, "I hereby
18 submit our son to Sandra's custody with the hope I can visit
19 with him?"

20 MR. WILFRED: That's the first one.

21 Q (Mr. Segall) Mr. Wilfred, when you filed that letter
22 about March 9th, what was your hope with respect to your
23 marriage?

24 A Yes -- well, I actually asked Sandy to recommit to
25 the marriage the day before she left, and my hope, when she

1 left the way she did, if I offered no resistance at all to
2 what she was asking, that would at least cause some
3 conversation -- cause some communication to take place. I
4 mean, I'm willing to fight for my marriage. I'm not willing
5 to continue the marriage the way it was.

6 I really wanted -- I really asked her sincerely
7 for a recommitment to the marriage even for a second month
8 that was no reason for everything that was going on. I just --
9 that was my sincere cry. I mean, I wrote -- the day I wrote
10 that letter, I did that with the whole thought that my
11 marriage was over, and yet knowing that I offered no
12 resistance to it, that would just ensure that it was done.

13 So, I just tried everything that I could to see
14 that it wasn't over, not to offer resistance, to hopefully
15 open up the avenue of conversation.

16 Q Did Mrs. Wilfred respond to you at all?

17 A That letter was written about a week after I was
18 served. It was two weeks later before I even got a phone
19 call in response. At that point in time, they asked for a
20 ridiculous amount of money, that was it.

21 Q Was there any contact prior to March 25th that had
22 been to try to arrange for you to be able to see your son?

23 A No.

24 Q You're still living in the marital residence?

25 A Yes.

1 Q You're still working at the same employment where
2 you worked?

3 A Yes.

4 Q Did Mrs. Wilfred ever ask you to see a psychiatrist?

5 A Yes, she did.

6 Q And why was that?

7 A It was at the time she decided she did not want to
8 be with me any more in the marriage. I suggested that we
9 both talk about counseling. We actually sought counseling.
10 one of these psychologists that she was seeing suggested that.

11 MS. EDINBURG: Objection as to what a psychologist
12 suggested.

13 THE COURT: Sustained.

14 A Well, that's -- why don't you ask.

15 Q Did she ask, Mr. Wilfred, that you seek mental
16 health counseling?

17 A Yes, she did. She said that she would leave me if
18 I didn't.

19 Q When you say "she", are you referring to Mrs.
20 Wiflred?

21 A Yes.

22 Q Okay. And who and when did you see a mental health
23 professional as a result of Mrs. Wilfred's request?

24 A April 19th of last year. I believe it was April 19th.

25 Q And --

1 A I'm not sure. Anyway, it was sometime last year
2 I actually went to see a doctor of psychiatry on her request.

3 Q Do you recall that person's name?

4 A Yeah, Dr. Dorin, D-o-r-e-n.

5 Q And are you aware of any mental condition that
6 impairs your ability to function in a reasonably normal way?

7 A None whatsoever.

8 Q Well, are you asking that Tyler return to the
9 marital residence?

10 A Yes, I am.

11 Q Did you ever tell the Petitioner, your wife, that
12 you had God's authority to take possession of Tyler?

13 A I never did.

14 Q You are a religious man?

15 A I am. I am a Christian.

16 Q Does your religious beliefs have an effect upon your
17 relationship with your wife?

18 A Well, I think she has objected to my being a
19 Christian. There's nothing I can do about that. That's a
20 very big difference we have. She has indeed had difficulty
21 with it beyond just disagreeing with me.

22 Q Okay. Do you use alcoholic beverages to excess?

23 A No, I don't use them at all.

24 Q Have you ever been convicted or charged with any
25 crime?

1 A No.

2 Q Is there any reason why you should not be able to
3 see your son on a regular basis?

4 A Absolutely not.

5 MR. SEGALL: I have no further questions at this
6 time.

7 CROSS-EXAMINATION

8 BY MS. EDINBURG:

9 Q Mr. Wilfred, you did write this letter, did you
10 not? It was dated March 9th?

11 A Yes, I did.

12 Q In that letter, it reads, "However, Sandy continues
13 to feel it was harmful for me to have any contact with Tyler.
14 I will honor her feelings, and I am willing to legally
15 document such." Is that what you said?

16 A That's what I wrote.

17 Q I hand you what's been marked Petitioner's Exhibit 1.
18 Have you ever seen this before?

19 A Yes.

20 Q What is it?

21 A It's a response.

22 Q It's a letter dated when?

23 A March 13th.

24 Q From whom?

25 A From your office, from your paralegal.

1 Q And what does it say about responding to your letter?

2 A It says that it's going to be another week before
3 I hear anything.

4 Q Why?

5 A Because you were out of town for a week.

6 Q So you got -- when your response came to my
7 office, I wasn't there to respond. Is that what the letter
8 says?

9 A It took a week for me to get this letter, Ms.
10 Edinburg.

11 Q What's the date of the letter?

12 A It's the 13th. Sandy walked out the 28th of
13 February. She filed the --

14 Q Just a minute.

15 A -- 3rd of March.

16 Q You mailed this on March 9th which was a Thursday.
17 It was supposed to have gotten to my office on Saturday.
18 You got a response from my office dated Monday, the 13th;
19 is that correct?

20 A That's correct.

21 MS. EDINBURG: I'd offer --

22 A It's a response that got --

23 Q (By Ms. Edinburg) That's not what I asked you.

24 MS. EDINBURG: I'd offer Petitioner's Exhibit 1.

25 MR. SEGALL: No objection.

1 THE COURT: I will be received.

2 (Petitioner's Exhibit 1 was admitted in evidence.)

3 MS. EDINBURG: Thank you.

4 Q (By Ms. Edinburg) Mr. Wilfred, isn't it true in
5 the last year of the marriage, your idea of Sandy was that
6 she was to totally and sexually submit to you when you wanted
7 to make love?

8 A Absolutely not.

9 Q Did you tell her on more than one occasion that
10 she was going to be a wife to you and she had to submit to you
11 like they did in the Bible, and that's what a marriage was
12 all about?

13 A I told her that if she wanted to understand what
14 I felt a marriage was about, she should look in the Book of
15 Ephesians. That was a pretty good idea along with the marriage
16 vows.

17 Q Sandy did not want to have sex with you; is that
18 correct?

19 A That's really correct.

20 Q Okay. You had different bedrooms, did you not?

21 A After she moved out, yes.

22 Q You had separate bedrooms in the house after she
23 left the marital bed?

24 A That's correct.

25 Q When you went into her room on October 10th, that

1 was not, quote, the marital bedroom. You were invading her
2 room where she was set up separate and apart from you?

3 A That's not true. We were still in the same bedroom.

4 Q Isn't it true you hit her in April or May last
5 year?

6 A That's not true. I did slap her back.

7 Q It had nothing to do with your telling her she
8 was going to submit to you like a good Christian wife, did
9 it?

10 A It had nothing to do with it.

11 Q Isn't it true that you went to Mexico I believe
12 January of this year?

13 A Yes.

14 Q With Mr. Thomas Jones?

15 A Yes.

16 Q And he's also seated in the courtroom. And one
17 of the things that the two of you wanted to do was to set up a
18 school for the Mexican children; is that correct?

19 Q We had some discussions about that, but nothing
20 ever came of --

21 Q Didn't you tell Sandy that you were going to
22 Mexico to set up a school for children?

23 A I discussed that with --

24 Q Didn't you discuss it with her?

25 MR. SEGALL: Objection. She needs to let

1 Mr. Wilfred to respond to her question.

2 THE COURT: I'm going to sustain, but I'm going to
3 ask that you not interrupt, Ms. Edinberg.

4 Q (By Ms. Edinberg) You did not mention to her,
5 did you not, yes or no?

6 THE COURT: Don't interrupt. Just wait until she
7 finishes. We have a court reporter who can only take one of
8 you at a time.

9 MR. WILFRED: I apologize, Your Honor.

10 A Yes, we did discuss it.

11 Q (By Ms. Edinberg) You did discuss it?

12 A Uh-hum.

13 Q Now, you testified that you had financial difficulty,
14 have you not?

15 A Yes, I have.

16 Q And you're the owner of two significant shopping
17 centers, one known as Promenade and the other Regatta?

18 A That's correct.

19 Q And the rent on those properties, as I understand
20 it, is in excess of \$80,000 a month; is that right?

21 A Probably more than that.

22 Q More than that. I'm going to hand to you what's
23 been marked as Petitioner's Exhibit 2. Can you identify that
24 document?

25 A Yes. It's a foreclosure notice.

1 Q On which property?

2 A On -- both foreclosed by the same savings and loan.

3 Q Doesn't that document state that you had not made
4 a mortgage payment since January of 1989 on the property?

5 A It was one month behind.

6 Q Now, turn to the second page.

7 MR. SEGAL: Objection. It's not in evidence. I
8 don't see the relevance.

9 MS. EDINBERG: It is relevant.

10 THE COURT: All right. Just a minute. What's the
11 relevance, Ms. Edinberg?

12 MS. EDINBERG: Your Honor, the relevance is that
13 these properties have significant rent in excess of \$80,000 to
14 \$100,000 a month. The document is notice of foreclosure, that
15 is, that no mortgages have been paid on the properties since
16 January. So, Mr. Wilfred maybe collected all these rents and
17 intended to split with the money because the properties are
18 in foreclosure. He recently filed bankruptcy on both the
19 shopping centers. I think it goes to his instability and his
20 lack of commitment to stay in the Denver Metro area when his
21 whole empire is falling down quickly.

22 THE COURT: Objection overruled.

23 MR. SEGALL: It's hearsay, Judge.

24 THE COURT: The document is hearsay.

25 MS. EDINBERG: It's a court notice of foreclosure.

1 I think it can be admitted.

2 MR. SEGALL: I haven't seen it. It's a notice, if
3 the Court please. It's a notice signed by Victor L. Wallace,
4 the second is signed by Kyle Doslos (phonetic). It's not a
5 certified copy, and the allegations contained in the notice --
6 Mr. Wallace's allegations pursuant to the public trustee's
7 foreclosure statute, it appears it's a Rule 120 notice, and
8 that, too, is hearsay inasmuch as the Sheriff's Department
9 report is hearsay. This isn't even certified.

10 MS. EDINBERG: Your Honor, this is a legal document.
11 There's another action pending that is related to the marital
12 assets to these parties. I do have the verified documents
13 that is authenticated. It was the notice that he had received
14 that the properties were in foreclosure.

15 THE COURT: I think it's admissible.

16 MS. EDINBERG: Thank you.

17 Q (By Ms. Edinberg) Mr. Wilfred, isn't it true that
18 you and Sandy have had several marital problems, and you knew
19 things were not going well for the last several months?

20 A Oh, I've known that Sandy made me very aware of
21 that.

22 Q Did you know that part of that had to do with your
23 new-found religion in terms of your becoming a better
24 Christian or a better, more religious person?

25 A I certainly have no evidence of that.

1 Q Do you recall a conversation when you came home in
2 January and you told Sandy that you were a saint; that you
3 wanted her her calling you Saint Harmon around the house?

4 A That's absolutely not true.

5 Q You deny that?

6 A You bet I will.

7 Q You're denying this?

8 A She was angry with me. She said, "What do you
9 think you are, a saint?" And I said, "In the Bible, it says
10 when you become a born-again Christian, you're aware." That's
11 all I said.

12 Q Do you think of yourself as a saint, yes or no?

13 A I don't understand the relevance of this.

14 Q Well, do you think you're a saint?

15 MR. SEGALL: Objection as to relevance.

16 THE COURT: Just a minute. Mr. Wilfred, you don't
17 say what is relevant. You don't object to an answer.

18 MR. WILFRED: I'm a Christian.

19 MR. SEGALL: Excuse me, I do objection as to
20 relevance. I'm not sure how is religious beliefs any more
21 than mine or the Petitioner's are relevant to this proceeding.

22 THE COURT: Ms. Edinberg?

23 MS. EDINBERG: Well, it goes to his intimidation,
24 his telling her of his beliefs that he was a saint.

25 THE COURT: Overruled.

1 Q (By Ms. Edinberg) You do think of yourself as
2 a saint, don't you, yes or no?

3 A The Bible states --

4 Q I'm not --

5 A -- as a born-again Christian, the Bible says you're
6 a saint.

7 Q So, you think you're a saint?

8 A I don't call myself Saint Harmon nor have I insisted
9 Sandy do that.

10 Q Mr. Wilfred, isn't it true you took fund from the
11 marriage and gave several thousand dollars to the church in
12 January and February?

13 A I gave my tithe, 10 percent.

14 Q How much was that?

15 A Two thousand which was two thousand of twenty
16 thousand.

17 Q Of what month?

18 A I'm not sure, either December or January.

19 Q Sandy gave you permission to do that?

20 MR. SEGALL: Objection as to relevance.

21 MS. EDINBERG: It's relevancy is to why we got the
22 restraining order. This man was dissipating marital assets.

23 THE COURT: Overruled.

24 Q (By Ms. Edinberg) Isn't it true you also bought
25 Mr. Jones a new van for about \$2,000? You took marital funds

1 and did that, yes or no?

2 A Yes.

3 Q Isn't it true that you have two accounts that you
4 call the war chest accounts --

5 A No, that's not true.

6 Q -- hidden?

7 A That's not true.

8 Q Do you have two accounts that you call war chest?

9 MR. SEGALL: Objection as to relevance of what his
10 financial state is. The Court said this is not a temporary
11 orders nor is it discovery of assets.

12 THE COURT: Well, it's more to set aside a restrain-
13 ing order. She is showing why she asked for a restraining
14 order. I need to know what assets he has had.

15 Q (By Ms. Edinberg) You had a bank account, joint
16 bank account that had about \$10,000 in it in January, yes or
17 no?

18 A Yes.

19 Q And when Sandy called the bank on February 27th, if
20 I told you there was less than a thousand in that account,
21 would you agree?

22 A I would agree.

23 Q You've taken -- you had access to take those funds?

24 A I have moved those funds when she threatened to
25 move me.

1 Q You moved them?

2 A I did. She did not give me notice when she left.

3 Q You didn't give her notice.

4 Q No, I didn't.

5 Q Do you have funds in excess of one thousand in these
6 war chest accounts?

7 A No.

8 Q You're under oath, Mr. Wilfred.

9 A I said no.

10 Q Do you have an account with \$50,000?

11 A No.

12 Q Now, you've never had children; is that correct?

13 A That's correct.

14 Q And how old are you?

15 A Thirty nine.

16 Q And isn't it true that Mrs. Wilfred was the primary
17 care taker of Tyler? Would you agree she was primary care
18 taker?

19 A That's not true.

20 Q She was the person that stayed at home every day and
21 took --

22 A She did not stay home. She worked at the office most
23 every day.

24 Q There was a dispute about her working at the office.
25 You didn't want Tyler in a day care center?

1 A I didn't want him there five days a week.

2 MR. SEGALL: Your Honor, objection to the relevance.
3 This was a temporary-orders type of question as to who is
4 the primary care taker, and like I just said, I believe that's
5 not relevant. The issue is one of injury if Mr. Wilfred is
6 not restrained from having anything but supervised contact
7 with his son.

8 MS. EDINBERG: Well, Mr. Segall argued several
9 points. Number one, he's alleging she's not a fit and
10 property person to have temporary possession of this child,
11 that he was the primary care taker, so it's relevant on
12 that. Number two, he doesn't want her to work because he
13 wants her home. He didn't want the child in day care. Now,
14 he's filed a response that she's mentally incapable, yet he
15 fired her from her job because he wanted her home to take care
16 of her son.

17 As far as why she's home, Mr. Wilfred knows exactly
18 why she and Tyler are staying away with very close friends.
19 In fact, the person that fixed them up, he told me on the
20 telephone exactly why she was living there.

21 THE COURT: Overruled.

22 MS. EDINBURG: Thank you.

23 Q (By Ms. Edinberg) Mr. Wilfred, you know exactly
24 why Sandy and Tyler left you.

25 A I had to discover it on my own. I didn't know why.

1 Q You told me on a telephone conversation, I believe,
2 on March 23rd, you knew exactly where Sandy was.

3 Q I knew.

4 Q You respected her desire to be safe and away from
5 you. Didn't you tell me that?

6 A No, I didn't I respect the fact she wanted to be
7 safe and away, but I don't believe her desire to be safe had
8 anything to do with this.

9 Q Now, you have basically not worked for the last week.
10 You've stayed at home?

11 A That's incorrect. I work when I'm at home at the
12 office.

13 Q You didn't go to the office at all last week.

14 A I went to the office at least once every day. I made
15 the phone calls from the office.

16 Q You worked from your office?

17 A You bet.

18 Q You fired the cleaning people.

19 A You bet I did.

20 Q You were prepared to make Sandy get on her nose to
21 come back; isn't that true?

22 MR. SEGALL: Objection, argumentative.

23 THE COURT: Sustained.

24 Q (By Ms. Edinberg) Mr. Wilfred, as far as your
25 motivation here, your motivation was, don't have a divorce;

1 isn't that true?

2 A My motivation was to bring my son home where he's
3 safe.

4 Q That motivation to bring your son home is not
5 only going to get Sandy backk it's going to get your son
6 back; isn't that true?

7 A Sandy is unhappy with me. I'm willing to respect
8 that. I'm willing to accept the decree for divorce and get
9 on with my life. I'm not willing to accept her taking my son --
10 our son away. That's not acceptable.

11 Q Now, taking your son away, Sandy hasn't left the
12 state, has she?

13 A No.

14 Q Sandy asked for permission to go back and visit her
15 parents and your parents, and you initially agreed that was a
16 good idea, didn't you? You agreed with me that was a wonderful
17 idea?

18 A I felt initially it was something she could do until
19 all this nonsense with the money and all. It's outrageous.

20 Q Nonsense?

21 A Yes.

22 Q Okay. You wrote me a letter. You basically said on
23 March 9th, "You tell me what Sandy wants, and I'll sign legal
24 documents and commit to support her." Didn't you tell me
25 that?

1 A I put that in a letter as a form of nonresistance,
2 as I recall.

3 Q I called on March 23rd and told what Sandy needed
4 on a monthly basis to support herself and her son?

5 A It was ridiculous.

6 Q It was two or three thousand?

7 A It was four thousand a month.

8 Q It was ridiculous?

9 A I don't even make that much.

10 Q You made in excess of \$12,000?

11 A I do not.

12 MS. EDINBERG: I have nothing further.

13 THE COURT: Mr. Segall.

14 MR. SEGALL: I have nothing further.

15 THE COURT: You may step down.

16 MR. SEGALL: I would call Mary Beth Conrad.

17 MARY BETH CONRAD,

18 was called as a witness on behalf of the Respondent, having
19 first been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. SEGALL:

22 Q Will you please state your name and spellin your
23 last name for the record.

24 A It's Mary Elizabeth Conrad, C-o-n-r-a-d.

25 Q How are you employed?

1 A I'm a social worker with Lutheran Social Services of
2 Colorado.

3 Q And just briefly, what sort of professional educa-
4 tional background do you have?

5 A I have got a Bachelor of Science degree in
6 sociology and psychology and some graduate credits in social
7 work.

8 Q How long have you worked for Lutheran Social Services?

9 A It was three years March 3rd.

10 Q How do you know Mr. and Mrs. Wilfred?

11 A Through the adoption process. When they became on
12 our adoption list.

13 Q And what was your involvement with them as part of
14 the adoption process?

15 A I first met with them on August 5, 1987, and did
16 an initial interview with both of them. I saw them individually
17 on September 8th and September 9th of '87. I made a home visit
18 on September 24th of '87. They both participated in the
19 education and support group which took place for three hours
20 for four weeks. In the month of September of '87, I had
21 contact with them during the placement of Tyler on January
22 9, 1988. I had several phone contacts with them; had
23 office visits with them. Tyler was present on March 8th,
24 May 3rd and May 25, 1988.

25 I made a home visit with Tyler present on

1 July 1, 1988. I appeared at the adoption hearing on
2 July 21, 1988, and had one phone contact with them. Tyler
3 appeared at our office for post-placement visit with the
4 birth mother of Tyler. That was October 26, 1988, and that was
5 my last professional contact with them.

6 THE COURT: When was your last?

7 THE WITNESS: October 26th of '88.

8 Q (By Mr. Segall) That was a visitation between
9 Wilfred and the birth mother; is that correct?

10 A Right. I hadn't seen them since July.

11 Q During any of this time when you had contact with
12 the parties, was there any evidence to cause you any doubt
13 about these people being appropriate people in the adoption
14 of this infant?

15 A No doubt at all.

16 Q Was there any indication that either of the parties
17 were violent?

18 A No.

19 Q Was there any indication that the marriage was
20 unstable?

21 A No.

22 Q Has Mrs. Tyler (sic) written to the birth mother
23 since the adoption?

24 A Yes.

25 Q Okay. And did those letters go through your office?

1 A Yes.

2 MR. SEGALL: I'm going to say for the record, it's
3 not Mrs. Tyler. It's Mrs. Wilfred.

4 Excuse me, Mrs. Wilfred. I'm sorry.

5 A Yes, we do need to screen, identify information.

6 Q (By Mr. Segall) And what did Mrs. Wilfred tell
7 the birth mother with respect to the status of hers and Mr.
8 Harmon Wilfred's marriage?

9 MS. EDINBURG: Objection, irrelevant.

10 THE COURT: What's the relevance?

11 MR. SEGALL: Your Honor, they've asked for a
12 restraining order saying that irreparable injury would occur
13 here. She's writing a letter to the natural birth mother of
14 their children and presumably they are being honest with
15 them as to the conditions that Tyler is undergoing around
16 the parties' home. I think it is very relevant.

17 THE COURT: Well, I suspect she wasn't being
18 honest, but go ahead.

19 A I saw no indication of any trouble in the home.

20 Q (By Mr. Segall) Okay. When was the last set of
21 letters that she wrote to the birth mother?

22 A If my memory serves me correctly, it was the
23 beginning of March.

24 A Of this year?

25 A Yes.

1 Q Okay. So, if Mrs. Wilfred said that there wasn't
2 any trouble in the home in March of 1988, would you agree
3 with getting a restraining order at the beginning of March --
4 excuse me -- 1989, would you agree with getting a restraining
5 order?

6 A I don't think I can answer that. I don't know.

7 Q What have you observed with respect to the relation-
8 ship between Tyler and Mr. Wilfred?

9 A I saw a good attachment happening after the
10 placement of Tyler, normal father/son relationship building.

11 Q Was there any indication that Tyler was in danger?

12 A Not from Mr. Wilfred, no.

13 Q What impact do you think it would have on Tyler to
14 only see Mr. Wilfred once a week in a park with a police officer
15 present?

16 MS. EDINBURG: Objection, calls for an opinion.

17 THE COURT: Sustained.

18 Q (By Mr. Segall) Would seeing the child once a
19 week in a park by Mr. Wilfred be consistent with a normal
20 father/child attachment?

21 MS. EDINBURG: Objection. This witness is not
22 qualified to give an expert opinion.

23 THE COURT: Sustained.

24 Q (By Mr. Segall) Do you have educational experience
25 to what is appropriate parent/child interaction?

1 A Some.

2 Q Do you draw on this experience in making your
3 recommendations with respect to adoptions?

4 A Yes, I do.

5 Q Do you believe that it is appropriate parent/child
6 interaction to see one another once a week in the middle of
7 a park with a police officer present?

8 MS. EDINBURG: Objection.

9 THE COURT: How many divorces have you dealt with,
10 Ma'am?

11 THE WITNESS: None.

12 THE COURT: Well, in the middle of a divorce
13 action, we have people getting a divorce who also adopts a
14 baby.

15 Q (By Mr. Segall) Is there anything about Mr. Harmon
16 sorry, Mr. Wilfred that you perceive to be a danger to Tyler?

17 A Not from what I have witnessed.

18 Q Is there anything about Mr. Wilfred you perceive to
19 be a danger to any other member of his family?

20 A Not what I saw during the time I did the home study.

21 MR. SEGALL: I have nothing further.

22 CROSS-EXAMINATION

23 BY MS. EDINBURG:

24 Q When did you do that home study, Mrs. Carnab?

25 A Conrad.

1 Q Conrad, I'm sorry.

2 A It begun August 5, 1987, and I have basically had
3 pretty steady contact through July 21, 1988.

4 Q Steady, meaning, how often? Would you say a couple?

5 A Well, given all those dates in the beginning, I
6 saw them eight times in September for several hours at a
7 time.

8 Q Did Mr. Wilfred ever share with you that his wife
9 had a long history of psychiatric problems?

10 A No.

11 Q Is that normal when he's going through an adoptive
12 study that his wife had a long history of psychiatric or
13 psychological problems, was that something you had been
14 advised of?

15 A It would be. We do ask people to be honest with
16 us, but whatever is motivating them, if someone is going to
17 hide something, we don't necessarily pick that up all the
18 time.

19 Q Did you ever learn in this case that Mrs. Wilfred
20 had a long history of psychiatric or psychological care?

21 A No.

22 Q Did Mr. Wilfred ever tell you that?

23 A No.

24 Q Did you ask Mrs. Wilfred if she had ever been to
25 therapy, under psychiatric or psychological care?

1 A Yes.

2 Q How did she answer that question?

3 A She has not.

4 Q Did you believe her?

5 A Yes.

6 Q Did you find anything about Mrs. Wilfred at all
7 that indicated she had any "emotional imbalance?"

8 A No.

9 Q Would you have placed this child with her and
10 Mr. Wilfred if you believed she had an emotional imbalance?

11 A No.

12 Q Now, you haven't really observed Mr. Wilfred or
13 Mrs. Wilfred with this child for the last year, have you?

14 A Not since October of '88.

15 Q Well, that was just a brief visit in your office;
16 isn't that true?

17 A Roughly three hours -- two or three hours.

18 Q You haven't been to their home or done any home
19 visits in almost a year?

20 A Right, correct.

21 Q Did you do any psychological testing of Mrs. Wilfred
22 or Mr. Wilfred?

23 A We begun the use of the MMPI with all adoptive
24 parents. I hate to say, I can't remember at what point we
25 began using them.

1 Q Let's talk about those two letters. Mrs. Wilfred
2 wrote -- she wrote a letter to the birth mother, I think you
3 said last year, the end of last year. Did she talk about
4 the marriage?

5 A That was March of '88. That was the last contact
6 we have.

7 Q Did she ever talk about the marriage in that letter,
8 do you know?

9 A If I remember correctly, and again, I'm trying to
10 go by memory. If my memory serves me correctly, she spoke
11 of her and Harmon and Tyler.

12 Q Did they talk about how Tyler was doing?

13 A More than just one of us and the birth mother's
14 pregnancy.

15 Q I'm not asking you to read that. I'm asking you
16 what you remember.

17 A What I remember is the family was doing fine.

18 Q Thank you.

19 MS. EDINBURG: I have no further questions.

20 MR. SEGALL: Nothing further.

21 THE COURT: You may step down.

22 MR. SEGALL: We would call the the Petitioner.

23 SANDRA WILFRED,

24 was called as a witness to testify, having first been duly
25 sworn, testified as follows:

DIRECT EXAMINATION

1
2 BY MR. SEGALL:

3 Q Will you please state your name.

4 A Sandra Ann Wilfred.

5 Q How old are you?

6 A Thirty nine.

7 Q When did you decide to leave the marital residence?

8 A I decided to leave the morning of February 28th.

9 Q When did you actually leave the marital residence?

10 A I think two or three o'clock that afternoon.

11 Q Did you move all of the furniture from the marital
12 residence?

13 A No, I never removed all the furniture.

14 Q What furniture did you leave?

15 A I left the dining room set. I left all the
16 kitchen equipment. Basically most of everything in the kitchen
17 I left. I left all of the family room furniture. I left
18 every piece of equipment in the garage. I left the barbecue
19 grill. I left a brand new bed we had just bought. I left
20 almost everything in the basement, tools, miscellaneous
21 things, and the only reason I took what I did, I wasn't
22 going to take as much as I did. I had phoned the bank and
23 found out all those large amounts of money had been taken out
24 of our bank accounts.

25 Q Isn't it true, Mr. Wilfred bought you a fur coat

1 several months before, and you turned it in and bought a
2 cheaper coat, and the exact difference --

3 MS. EDINBURG: Objection, relevance.

4 THE COURT: What's the relevance?

5 MR. SEGALL: They're talking about Mr. Wilfred taking
6 money. I think it's relevant how she's taking money as well.

7 THE COURT: Well, it's sort of interesting. I
8 think the coat was hers. That's fine. I'll let it in.

9 Q (By Mr. Segall) That's correct.

10 A I did that. I had a checking account where I
11 deposited my paycheck.

12 Q And you had those monies to utilize for yourself;
13 is that correct?

14 A Uh-hum.

15 Q Did you -- have you made any payment on your
16 town home or your car since you left?

17 A No because the restraining order indicates that
18 Harmon would continue making the payments.

19 Q That he is, so it's your interpretation that Harmon
20 is obligated to continue making all these payments?

21 A That was my understanding, yes because I'm un-
22 employed.

23 Q Do you know that he is -- if he's making these
24 payments?

25 A None.

1 Q Have you called to find out?

2 A No, I haven't.

3 Q Are you working now?

4 A No, I'm not.

5 Q Why is it that Mr. Wilfred can only see the child
6 in a park with a police officer?

7 A Well, he did not request to for the first 30 days,
8 number one, and actually Harmon feels that he would not even
9 request to see his own son in the first 30 days, and secondly,
10 we are allowing a police officer who knows Tyler, and we
11 felt it would be more comfortable to meet in a park with
12 Dale as an off-duty police officer.

13 Q Do you think that's best for Tyler?

14 A I think I was supervised visitation at this time.

15 Q Why?

16 A Because I'm afraid.

17 Q Afraid that he will leave the State with the child?

18 A Yes.

19 Q Okay. Isn't it true that Mr. Wilfred is involved
20 in a Chapter 11 bankruptcy with respect to the property that
21 your attorney mentioned?

22 A It's my understanding, yes.

23 Q Where are you afraid he's going to go?

24 A My fear is that he could go to Mexico. He's
25 talking about setting up a school. He's been saving money.

1 We dealt with a similar problem back in May of 1988 where he
2 would hold money back. He called it is war chest at that
3 time. He would hold money back, pay attorney's fees if we
4 had to go to court, and we had almost \$11,000 in the checking
5 account, and he had a personal account that had about
6 \$22,000 in that account. And I just, I think he's holding
7 back money, and I have a fear he'd take Tyler.

8 Q Holding back money to litigate a divorce or holding
9 back money to disappear from Colorado?

10 A My fear is that he would disappear from Colorado.

11 Q He's told you that he's going to leave the State?

12 A No, but he did tell me that he had God's authority
13 to take possession of Tyler.

14 Q Isn't is true that he told you that he had as much
15 right to custody of Tyler that you did?

16 A We did not discuss custody.

17 Q Isn't it true that you bit his finger on Christmas
18 Eve of 1988?

19 A As he hit me, I bit his finger.

20 Q That's what you told the Sheriff's deputy?

21 A Yes, it is. It's in the report.

22 Q Okay.

23 A He had his hand raised to me.

24 Q He never hit you, did he?

25 A He was pushing me. He indicated "I'm going to have

1 to slam you around to get you calmed down.

2 Q He had his hand raised when you bit him?

3 A It was at my face.

4 Q It was just catching his finger in your mouth?

5 A He was pushing like this (indicating). He had his
6 hand on my face trying to push me down. I bit his hand.

7 Q Isn't it true that Mr. Wilfred voluntarily left
8 the house after this argument?

9 A He did leave the house, yes, he did.

10 Q And isn't it true that both you and he agreed when
11 the Sheriffs were there that there would not be any further
12 confrontation, you had pursued counsel?

13 A That's correct.

14 Q Mr. Wilfred claimed that you were the aggressive
15 party. Is that true what you told the Sheriff?

16 MS. EDINBURG: Objection to what she told the
17 Sheriff.

18 THE COURT: Sustained.

19 Q (By Mr. Segall) Were you present when he gave his
20 report to the Sheriff?

21 A No, I was not.

22 Q Were you asked whether or not you wanted to press
23 charges?

24 MS. EDINBURG: Objection. He's trying to get into
25 the Sheriff's report another way.

1 THE COURT: Sustained.

2 MR. SEGALL: She was there.

3 THE COURT: I'll allow it.

4 Q (By Mr. Segall) You may answer.

5 A I'm sorry, what's the question?

6 Q Did the Sheriff's deputy ask you if you wanted to
7 press charges against Mr. Wilfred?

8 A I don't recall. I'm sure she probably did, but
9 I don't recall. He was very very upset.

10 Q Isn't it true you refused to press charges?

11 A I don't recall, I'm sorry.

12 Q Did you tell the birth mother in your letter that in
13 March of this year that the family was doing well?

14 A I have a copy of the letter in my car, but I don't
15 recall verbatim what I put in that letter. Generall, I spoke
16 about Tyler, what he was learning, what he's doing. I may
17 have mentioned the family. I don't think I did.

18 Q Okay. Did you mention that you were in the process
19 of obtaining a restraining order preventing Mr. Tyler (sic)
20 from seeing his own child other than in a supervised setting?

21 A That letter was written on January 8th, and I
22 hadn't even requested a restraining order at that time. They
23 may not have received it until March, but it wasn't written.
24 I wrote it in January. I wrote it over a period of serval
25 weeks. I didn't sit down and write a three-page letter in

1 one night, so I wrote it in sections.

2 Q Isn't it true that you took Tyler and the furniture
3 from the marital residence because you were afraid of losing
4 Tyler?

5 A When I was told that morning that Harmon was moving
6 out.

7 Q Excuse me, who told you?

8 A He did.

9 Q Harmon told you he was moving out?

10 A Yes, that he was moving out and that he had his list
11 of items that he was taking with him, and he told me had some
12 things on that list that he was going to take, and I said,
13 "Oh, yes, what is that?" He said, "God has given me the
14 authority to take possession of Tyler." I'll never forget
15 those words as long as I live, and I said, "Oh, yes, we'll
16 see about that." He turned around and went to work, and I
17 immediately called a friend.

18 Q Did he take Tyler with him when he went to to work?

19 A No, he did not.

20 Q So you took Tyler with you; is that right?

21 A No, I didn't take him at that time. I made a phone
22 call.

23 Q Is that the 28th of February?

24 A Uh-hum.

25 Q Do you have a yes or no for the record?

1 A I'm sorry.

2 Q Would you answer yes or no for the record.

3 A Was your question, did I take --

4 Q You took Tyler on the 28th, right?

5 A Yes.

6 Q And this incident that you were testifying to
7 occurred on the morning of the 28th; is that correct?

8 A Yes, uh-hum.

9 Q So you took your authority to take Tyler from his
10 home?

11 MS. EDINBURG: Objection as to the form of the
12 question.

13 THE COURT: Sustained.

14 Q (By Mr. Segall) Upon whose authority did you feel
15 that it was appropriate to take Tyler from his house?

16 MS. EDINBURG: Objection to the form of the question.

17 THE COURT: Sustained.

18 Q (By Mr. Segall) Why did you take Tyler from the
19 house?

20 A Because I was afraid.

21 Q Afraid of what? That Mr. Wilfred would take Tyler
22 from you?

23 A I was afraid of violence.

24 Q Upon whom?

25 A Upon me and possibly Tyler.

1 Q Has Mr. Wilfred or Tyler ever been violent toward
2 Tyler?

3 A He has shaken him, and he started spanking him when
4 he was eight months old to my objection.

5 THE COURT: What did he spank him for?

6 MRS. WILFRED: Wriggling around when he tried to
7 put his diaper on. I felt that was much too young.

8 Q (By Mr. Segall) Who moved all the furniture from
9 the house on February 28th?

10 A Are you asking for the company name?

11 Q Yes.

12 A Cowboy Movers.

13 Q When did you contact them?

14 A I didn't contact them. My friend, Shelly, called
15 them, Shelly Crouse, when Harmon said he was leaving and
16 taking Tyler. I immediately got on the phone. I was very
17 upset, and I called Shelly Crouse's residence. Richard
18 answered the phone. I told him exactly what I just told
19 the Court. He put his wife on. She said, "You go find a
20 babysitter for the baby. I'll make arrangements for the
21 moving."

22 It was an absolute miracle. We got moved the last
23 day of the month, anyway because they were there within a few
24 hours. We had packed dishes, one set of dishes. Again,
25 this was not planned. I had everything in garbage bags.

1 That's how I moved.

2 Q You testified that you left the dining room set?

3 A No, I took the formal dining room set. I left
4 the kitchen set.

5 Q You took the living room set.

6 A Uh-hum.

7 Q You took two bedrooms worth of furniture.

8 A Three.

9 Q The master bedroom. You left a bed for Mr. Wilfred,
10 correct?

11 A I left a bed, a night stand. There were several
12 dressers downstairs that I left.

13 Q You took the washer and dryer.

14 A Which was mine before the marriage. One of the
15 bedroom sets were mine before the marriage. The couch in
16 the living room was mine before the marriage. A lot of items
17 were mine before we married, and again, I wouldn't have
18 taken as much if I had an opportunity to at least get half
19 of the money out of the accounts, but it was gone. Thirty
20 thousand dollars was gone.

21 Q The restraining order on the summons says that neither
22 side can take the child out of the State; is that true? Do
23 you understand that?

24 A Yes.

25 Q Why do you believe it's necessary to have only

1 supervised access by Mr. Wilfred of the child to prevent him
2 from leaving the State?

3 A Because I believe if he feels that God has given him
4 authority to do it, anything in that restraining order won't
5 matter.

6 MR. SEGALL: I have nothing further at this time.

7 CROSS-EXAMINATION

8 BY MS. EDINBURG:

9 Q Mrs. Wilfred, how long have you and Mr. Wilfred
10 been married?

11 A It was six years August 8, 1988. We married
12 August 8, 1982.

13 Q And during the marriage, has he physically abused
14 you?

15 A He has.

16 Q On how many occasions?

17 A Twice.

18 Q And when were they?

19 A The first one, it occurred about the end of July.
20 Harmon had been on a twenty-one day fast. He went 21 days
21 without eating. He was only drinking fruit juices. He was
22 not feeling well. He was rebuking the devil out of me,
23 chasing me out of the house, pointing at me saying, "I rebuke
24 you, devil, to leave." He was hurting my feelings. I started
25 crying. At that time I said, "Harmon, you're really hurting

1 me," and he said, "I'm glad. I'm really glad I'm hurting
2 you because there's cleansing in pain and suffering, and so
3 I'm very happy I'm hurting you." And he said something to
4 the effect, I'd better get used to being put back in the
5 furnace for a while.

6 Q Who was supposed to get back?

7 A He said he was going to put me in the furnace for
8 a while.

9 Q When did he start this religion?

10 A It started -- maybe this particular religion started
11 maybe May or June of 1988. The one right before this started
12 November of 1987. It ended about January 1987.

13 Q What's the difference?

14 A The one prior to this one was -- he was very involved
15 with the New Age movement. He was seeing doctor who would
16 hypnotize him back to a past life. He would meditate and
17 be floating above our house saying he could see me. He
18 wanted the doctor to reach into my body and pull an organ
19 out without surgery -- all sorts of things like that.
20 Finally when his partners went to his lenders and felt that
21 he was emotionally unstable --

22 MR. SEGALL: Objection. What his partners said
23 to his lenders I think is hearsay.

24 THE COURT: Sustained.

25 THE WITNESS: I'm sorry.

1 Q (By Ms. Edinburg) Do you have information about his
2 business difficulty? Do you have personal knowledge of his
3 business difficulty?

4 A At this time?

5 Q No.

6 A At that time?

7 Q Last year, were you part of the business?

8 A No, I wasn't.

9 Q Did you witness him at home getting more and more
10 strange and bizarre?

11 MR. SEGALL: Objection to the leading questions.

12 THE COURT: Sustained.

13 Q (By Ms. Edinburg) Did you witness his behavior
14 change in the last year?

15 A Yes, drastically.

16 Q What happened?

17 A Least year with this religion, all of a sudden it
18 began. We had a very difficult time financially, and
19 everything worked out in May. I think our marriage was
20 probably better at that time than it had been in a long time,
21 and Harmon had found -- he had been born again. He found
22 God. He started going to a new church, and I objected to this
23 initially because I thought it was another transition like
24 he had gone through in the past. I don't have a problem
25 necessarily with the church. I chose not to go to it. That's

1 been the problem with our marriage that I'm not a real
2 Christian because I'm a Lutheran, and he began to be more and
3 more involved with this church, and it almost took over his
4 whole life being a born-again Christian.

5 Q Now, what about the submission? We made a statement
6 in our initial motion to the Court. "If I did not submit
7 to you that he would hurt me." Tell the Court about that.

8 A That was very common. He quoted out of the Bible
9 directly that women have to submit to their husbands. It's
10 in the Bible, and that was all.

11 Q Go on.

12 A Secondly, I had to have sex with him. I said, no.
13 I felt after the incident where he rebuked the devil out of
14 me, and he was happy when he was hurting me; that I didn't
15 love him, anyway. I told him that I felt that my love was
16 fading away, yet that I was so committed to the marriage, I
17 wanted to seek counseling and work this out, and after that,
18 he started demanding that we have a relationship, and I
19 couldn't do it. I physically couldn't do it. It made me
20 ill, and yet, the more upset I got about it, the more he
21 demanded that it's in the Bible. He would quote Bible
22 verses.

23 Q Now, you heard his recounting of what happened
24 in October where you were the aggressor. Would you tell
25 the Court what happened in your own words in October 1988.

1 A It was October 20th to be exact. We had company
2 visiting from out of town, and it was a very very exhausting
3 weekend for one thing, and I think we both were very tired.
4 We had gone out to dinner with the couple and their two
5 children. Harmon had a few beers. It was about 11 o'clock
6 at night. He decided it was time for me to submit, and we
7 were going to discuss this, and we were going to resolve
8 this once and for all.

9 I said no, it was too late. I was tired. I had
10 a meeting. He ripped the covers off and started prancing
11 around the bed quoting Bible verses to me. I pulled the
12 covers back. He did it a second time. The third time I
13 pulled the covers -- I covered myself up again, and I was just
14 about to fall asleep when he ripped them off again and
15 started quoting Bible verses to me.

16 I was probably just a reaction, but I kicked at
17 him and I told him to stop it. I told him that I wanted to
18 go to sleep, and he got on his hands and knees and started
19 hitting like this (indicating) probably a couple dozen times
20 it happened, or it seemed like it, but probably it was just
21 a few seconds after that. I don't remember. All I remember
22 is getting in a car and driving to a friend's house.

23 Q Were you the aggressor that night?

24 A No, I don't believe I was. I just wanted to go to
25 sleep.

1 Q Christmas Eve, we heard about Christmas Eve. Would
2 you briefly tell the Court what happened Christmas Eve.

3 A We had plans to go to a neighbor's house for
4 dinner. They were having a party for our son. It was a
5 birthday party. Harmon agreed to be a Santa Claus for the
6 neighbors. He went Christmas shopping and came back rather
7 agitated and said that he wasn't going to the party and
8 wasn't going to play Santa Claus; that Tyler should be with
9 real Christians, should have a real Christian Christmas at
10 Tom and Anit'a house. We had been invited there. I told
11 him no, that I was going to go to this party, that we had
12 made arrangements. I was to make something to take.

13 He said, "Well, you just be alone on Christmas Eve
14 because I'm taking Tyler." And I took the baby upstairs.
15 I wanted to finish doing my hair. Harmon came up with his
16 coat. He picked the baby up, and I never felt such
17 emotion with someone trying to take my baby away from me. I
18 tried to grab him back. He started pushing me down. He
19 pushed at me twice. The second time he had his hand on my
20 face pushing me. I did bite his hand. He pushed me down
21 a railing. We had a barricade for the baby so he wouldn't
22 fall down the stairs. It fell over, so Harmon was able to
23 go down the stairs and leave the house.

24 Q Did he leave the house with Tyler?

25 A He did leave the house.

1 Q With Tyler?

2 A Yes, absolutely.

3 Q And what did you do?

4 A I got on the phone. I called the Arapahoe County
5 Sheriff. While I was on the phone with them, I was just
6 finishing up my conversation and he came back with the baby
7 throwing him on the bed and said, "Are you calling the
8 police?" I said, "Yes." He hung up the phone, got in his
9 car and left.

10 Q Were you the aggressor that night?

11 A No.

12 Q Now, the date of your move, February 28th, was
13 there tension building between the two of you over the
14 previous two days?

15 A Yes, absolutely. It started on Sunday. Harmon
16 went to church. He was gone for about five hours in the
17 morning. He came home in a couple of hours and was very
18 angry and in an agitated state. He even yelled at me about
19 bringing a dangerous blanket, giving it to the child because
20 a blanket was such a dangerous item. As time went on towards
21 evening, he was going back to church again. I'd said
22 actually, he was very happy. He was going to leave.

23 He left by six or so. I was in the bedroom when he
24 got home, so I imagine he got home after 10 o'clock.

25 Q You have different bedrooms; is that right?

1 A Yes, we did.

2 Q Even --

3 A Then the next day, he got up and he said, "I want
4 to discuss something with you. It's very important." I
5 said, "What is that?" He said, "I want an absolute 100 percent
6 commitment to this marriage, meaning you moving back into the
7 bedroom. If you don't do that. I'm moving out." And I said,
8 "I don't want that. I don't want you moving out. I want to
9 continue with counseling." "No, that's it. You have two
10 choices. Either you move back onto the bedroom, commit to
11 this marriage 100 percent, or I'm moving. There's a list of
12 what I'm taking by the end of the day." And so I went to
13 work. He came back taht evening and wasn't in the house five
14 minutes and left again and went back to the church again.

15 And the next morning, I got up -- excuse me, when he
16 came back from church, on Monday night, we even discussed
17 where he was moving to, whether it was an apartment complex
18 on University or moving with his friend, Steward Huit
19 (phonetic). He even discussed moving in with Stu.

20 Q Did he give you a list that night?

21 A He said he didn't ahve it prepared. He would
22 have it the next day. The next day as I told the Court, he
23 said that "I have my list of items, and there's something on
24 that list that you're not going to like, I said, "What is
25 that?" He said, "God has given me authority to take possession

1 of Tyler, and I'm moving out and taking Tyler with me. I'm
2 going by the weekend."

3 Q Now, Sandy, up until that point in time, did you
4 ever have plans to move?

5 A No.

6 Q Did you even know where you were going?

7 A No.

8 Q Did you have plans to move?

9 A I have to say it may have been in the back of my
10 mind at times when he was yelling at me. I had no definite
11 plans, no.

12 Q You arranged, or your friend, Shelly, arranged to
13 get a mover?

14 A Yes, that's right.

15 Q You called Mrs. Crouse's house at 7 o'clock in
16 the morning?

17 A That's correct.

18 Q And asked them to help you and if you could stay
19 there; is that right?

20 A That's correct.

21 Q Have you left the State with Tyler in any way since
22 that time?

23 A No.

24 Q Now, we served Mr. Wilfred with a restraining
25 order on May 3rd; is that right?

1 A That's correct.

2 Q You didn't even get a request for visitation until
3 I spoke with him on March 23rd; is that right?

4 A As far as I know.

5 MR. SEGALL: Objection. She's got a request to
6 the Petitioner, has her address in care of Ms. Edinburg's
7 office.

8 Q (By Ms. Edinburg) Did you get --

9 THE COURT: Sustained.

10 Q (By Ms. Edinburg) Did you get any calls from
11 myself or my paralegal from March 3rd to March 23rd for
12 visitation?

13 A No.

14 Q Did you and I meet on March 23rd and discuss what
15 would be a good temporary solution to this case?

16 A Yes.

17 Q And at that time, did you call Mr. Wilfred that
18 afternoon and discuss with him any further offers of a
19 resolution?

20 A Yes.

21 Q What is the amount of his monthly income?

22 A I have receipts showing he deposited \$38,000 into
23 his checking account in January. He kept all that from me for
24 the past few months unless I was a real Christian wife, and
25 he took over all the books, all the records, paying -- he

1 took over all the checkbooks probably last September and
2 hasn't let me see what's been deposited in the bank accounts.

3 Q So, we have asked for \$4,000 a month; is that
4 right, for Tyler's support?

5 A Yes.

6 That's what set this whole thing off, right?

7 A Right.

8 Q Are you still afraid that he might take Tyler?

9 A I am very much.

10 Q Why?

11 A I feel that he's just jumping around so much. He
12 makes a decision, and then the next day, it's something very
13 different. He may say anything is fine right now, yet I'll
14 bring Tyler back at a certain time, the next day, it being
15 completely different. I'm truly afraid that he will take
16 Tyler and there will be harm done to me.

17 Q Now, let's talk just briefly about his business
18 problem. Since we filed the divorce, we have learned that,
19 I believe, both major shopping centers are in bankruptcy, in
20 foreclosure?

21 A In foreclosure, I believe.

22 Q What's the amount of rent that he gets every month
23 from this?

24 A I'm not sure of the exact figure. I know they are
25 probably in excess of \$100,000.

1 Q And we learned recently that he's not been making
2 the mortgage payment on those?

3 A That's correct.

4 Q So, he's getting the rent and not making the
5 mortgage?

6 MR. SEGALL: Objection, there's no foundation.
7 She already testified to that.

8 THE COURT: That's sustained.

9 Q (By Ms. Edinburg) Do you believe the he has these
10 war chests that you've called them?

11 A Yes, I do. He's done that in the past, so, yes, I
12 do

13 Q Are you -- are there any ties to Colorado if his
14 businesses are going down the hill, if he files bankruptcy,
15 if his properties are in foreclosure?

16 A No, all his family is out of state.

17 Q Tell the Court briefly about this trip to Mexico
18 in January.

19 A I wasn't invited. I know that, and it was all
20 planned in one day. Harmon came home and said that he and
21 Tom were going to Hawaii and surprised me a little bit. Then
22 he said it was a business trip, and they had to get out of
23 the State and pray about what the business plans were for
24 the future.

25 Q So the purpose of the trip was to pray?

1 A Yes, it was to pray about the business, and the
2 next thing I knew, Harmon had to be in court the day that the
3 trip was planned to go to Hawaii. Someone else was suing
4 him for something he to appear in court and he couldn't leave.
5 Harmon had planned to leave, so the ended up planning to
6 go to Mexico instead. I wasn't in town the day he left. My
7 grandmother had passed away. I was out of town.

8 Q Where was Tyler?

9 A Tyler was with me.

10 Q Did he say he wanted to take Tyler?

11 A No.

12 Q Did he object to you taking Tyler with you to your
13 grandmother's funeral?

14 A No.

15 Q What did he tell you about Mexico?

16 A He said that he had a wonderful time. They did a
17 lot of praying. I said how much business planning did they
18 do? He said virtually none; that we talked about the
19 family and --

20 MR. SEGALL: Objection as to the relevancy of the
21 trip to Mexico in January.

22 MS. EDINBURG: It goes to his state of mine, if he
23 in fact was going to make a move.

24 THE COURT: Overruled.

25 Q (By Ms. Edinburg) What did he tell you about this

1 desire that he had to start a school?

2 A Well that they met a family. It was the cook and
3 the gardner. She had a beautiful daughter and she loved
4 the children; that they were going to go back in March and
5 look at some property; that their intention was to go
6 down to start a school.

7 Q Do you believe that he has the ability to carry out
8 this intent?

9 A I do.

10 Q Is this the kind of thing that Harmon would do,
11 make a move to another country?

12 A It's possible, yes.

13 Q Now, have you in any way not been willing to set up
14 these supervised visitations?

15 A No. Like I said, it hurt me, for example, that he
16 didn't even request to see Tyler for the first 30 days. I
17 expected that he wanted to see his mother. When I called to
18 wish her a happy Easter, it was very hurtful to me, and the
19 problem is Harmon has requested that they be at his house. The
20 person who has volunteered to do the visitation has a very
21 tight schedule, and so right now, we're talking around
22 details, schedules to fit it when he can be accommodated for
23 everyone. My preference would be a supervised visitation at
24 Children's Hospital where it would be regular and on an
25 ongoing basis.

1 Q Have you in any way refused to look into visits?

2 A The supervised visits, no.

3 Q How many people did you contact to set up the first
4 visit?

5 A The first time you probably contacted four and most
6 of them were unwilling. Finally a friend, Dale, was more than
7 willing to help.

8 Q He was a Denver police officer?

9 A Yes, he is, but it's more than that. Tyler also
10 knows him. I didn't want to just send Tyler with a stranger.
11 Tyler knows Dale. In fact, follows him around the house.

12 Q Let's just talk briefly about the furniture.
13 Mrs. Wilfred, did you clean out the house?

14 A No, I did not.

15 Q Would you describe your house?

16 A It's a formal living room, formal dining room,
17 two bedrooms, and Tyler's room.

18 Q And you testified to the Court that a lot of
19 furniture was yours before the marriage?

20 A Yes, it was.

21 Q And was there an agreement of what you would take?

22 A No, there wasn't.

23 Q Do you think you took more than half of the marital
24 furniture?

25 A Furniture, I probably did. When you count up the

1 total value of the other stuff that was left such as the
2 refrigerator, all the outdoor equipment. It may be pretty
3 equal.

4 Q Are those items in a secure place?

5 A All of the items I took?

6 Q Yes.

7 A Yes.

8 Q So if you give him back some of the items at a
9 later point in time, you can do that?

10 A Yes, definitely.

11 Q You will not dispose any of them?

12 A No.

13 Q Were you in fear when you moved out that he might
14 possibly dispose property or make donations at the church?

15 A He told me everything he owned now belonged to God.
16 That's a possibility. He indicated that he gave \$2,000 to the
17 church in January. He also gave \$4,000 because I have copies
18 of all the checks.

19 Q So, was part of why you took a lot of the property
20 was to protect it, make sure it was there?

21 A Uh-hum, yes.

22 MS. EDINBURG: I have nothing further, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. SEGALL:

25 Q How much income did Mr. Wilfred have in 1988, if you

1 know?

2 A I don't know, I'm sorry.

3 Q Do you think it's inappropriate to give \$2,000 to
4 charity?

5 A Are you saying a total of \$2,000?

6 Q Correct.

7 A I don't think that's inappropriate, but I'm saying
8 I didn't give \$2,000. He gave \$4,000. That was in one
9 month.

10 Q Wasn't \$2,000 in investment in business with
11 Mr. Jones?

12 A No, it wasn't. It was written to the Word of Life
13 Outreach Center, and I have a copy of the check.

14 Q When did you stop having a sexual relationship with
15 Mr. Wilfred?

16 A Probably summer of 1988, I think, after he was
17 rebuking the devil out of me. I had no desire any more to
18 sleep with him.

19 Q And if he would try and have sex with you, did you
20 think that that would be inappropriate for him to try to
21 have sex with his wife?

22 MS. EDINBURG: Objection, Your Honor.

23 THE COURT: Sustained.

24 Q (By Mr. Segall) With his actions in trying to
25 maintain a sexual relationship with you during the course of

1 the marriage necessitated a restraining order according --

2 MS. EDINBURG: Objection. That's not why we got a
3 restraining order.

4 THE COURT: The Petitioner testified to that, Ms.
5 Edinburg. He didn't testify to that. I think you need to
6 phrase your question better. I think we're going to take a
7 short recess. I'd like to see Counsel in chambers.

8 (Whereupon, a brief recess was taken at 3:53 p.m.)

9 MS. EDINBURG: My client just left for the
10 rest room. I'm sorry.

11 THE COURT: Okay.

12 MS. EDINBURG: Do you want me to interrupt her
13 testimony?

14 THE COURT: We can do that. Let's take an offer
15 of proof from your next witness unless you feel you need to
16 have testimony.

17 MR. SEGALL: The offer of proof with respect to
18 Stuart Huitt (phonetic). He's known my client for 12 years.
19 He's been a friend of his and his wife for about 12 years, and
20 Mr. Huitt would testify that Mr. Wilfred is a loving father,
21 an honest individual, hard working man, religious man, that
22 he has a good relationship with his child. There would be no
23 reason for Mr. Wilfred to have supervised visitation or
24 access of the child other than Mr. Wilfred is not a candidate
25 who would pick up and leave the State of Colorado and move to

1 another state or foreign country. That would be the offer of
2 proof for Mr. Huitt.

3 THE COURT: Mrs. Wilfred, if you will take the
4 stand.

5 MRS. WILFRED: I'm sorry.

6 Q (By Mr. Segall) Mrs. Wilfred, you said that you
7 wanted to continue with counseling?

8 A Yes, I did.

9 Q When was this?

10 A That was the day before I moved out.

11 Q Okay. And who was this marriage counselor that
12 both of you participated in?

13 A Well, at the time, we weren't participating at all
14 because the last counselor we were seeing had resigned, and
15 we haven't found another one.

16 Q And who were you counseling with?

17 A That at the time was Jan Codwall (phonetic). Then
18 I believe was a Christian counselor.

19 Q And you have a personal therapist as well?

20 A No, I don't.

21 Q Do you see Dr. Henry Foke (phonetic)?

22 A Harry Foke, I do. I don't -- I saw Harry Foke who
23 was a marriage counselor who was referred to me by my pastor
24 on October the 11th after the incident where I had to run
25 out of the house. I called my pastor to find out who a

1 marriage counselor was because Harmon was not willing to go, so
2 I called Mr. Foke, and I saw him the first time October 13th,
3 and I saw him six times until December, and Harry is a
4 marriage counselor.

5 Q Did Harmon participate with you in any of those
6 sessions?

7 A He wouldn't go with me. He did to see Harry twice
8 on his own.

9 Q After the incident on Christmas Eve, did you go
10 shopping?

11 A No, I did not.

12 Q Did you leave the house?

13 A No, I did not.

14 Q You never left the house at all that day?

15 MS. EDINBURG: He formed the question, did she
16 leave Christmas Eve.

17 THE COURT: What day are you talking about?

18 Q (By Mr. Segall) On December 24, 1988, when the
19 Sheriff's department was called, did you leave the house
20 after they had come?

21 A I don't think I did. No, because the two Sheriff
22 were there. They said I should spend a quiet evening at home,
23 so, that's what we did.

24 Q You never went out afterwards to go shopping?

25 A No.

1 Q You never left Tyler alone with Mr. Wilfred?

2 A No, I did not.

3 Q How often was Mr. Wilfred alone with Tyler the last
4 few months, from March 3rd -- prior to March 3rd -- from
5 February 28th of this year?

6 A Not very often. I did go shopping on February 25th,
7 and I was gone for a few hours. Tyler napped most of that
8 time. Generally I tried to leave while he was napping.

9 Q It was uncommon for Mr. Wilfred to work at home?

10 A It was uncommon.

11 Q Correct?

12 A He usually did not work at home.

13 Q Did he bring work home from the office -- come home
14 before 5 o'clock?

15 A Oh, never before 5 o'clock, no.

16 Q Are you and Mr. Wilfred investors in a day care
17 center that's run by Mr. Jones located at one of the
18 shopping centers that Mr. Wilfred has an interest in?

19 A It's my understanding that we -- he has half
20 ownership. I have never seen any documentation to that
21 effect. I signed something that day. I have never seen
22 anything.

23 Q Your not active in the management?

24 A Not at all.

25 Q Do you know who is?

1 A As far as I know, his wife, Anita, is the director,
2 if she still is.

3 Q So, the \$2,000 that was given to Mr. Jones, was
4 that for investment in this business?

5 A I have no idea. I don't know. The note was
6 written until the bank statement came. There was \$2,000
7 written to Tom Jones, and there was \$4,000 given to the
8 church.

9 Q You said that Mr. Wilfred had \$38,000 personal
10 income in January of 1989?

11 A I don't know whether it was personal income or not.
12 All I know is that that's what was deposited in the bank.
13 The bank statement said it was deposited into the account.

14 Q What sort of income did he have in the months of
15 1988?

16 A I have no idea. He took all the check books.

17 Q When you were living together, you have no idea
18 what income was coming into the house?

19 A No, I wasn't allowed to know because I wasn't a
20 real Christian wife.

21 Q When were you working as the property manager for
22 one of the companies that Mr. Wilfred was involved?

23 A Are you asking as to the dates?

24 Q Yes.

25 A I was working as a property manager from September of

1 1988 until January of 1989.

2 Q Okay. How much were you paid?

3 A I was paid \$2,000 a month.

4 Q And you were fired?

5 A I wasn't fired. I was laid off because at that
6 time, Harmon said that I had been ill. I came down with a
7 cold right after Christmas, and he actually personally spent
8 time with Tyler, and I decided that Tyler was spending too
9 much time in a day care, and that one of us -- he asked how
10 I liked my job, whether I liked what I was doing. I said
11 yes, I really liked it, and he said, well, that he decided
12 then that I was going to start working out of the house, and
13 I was going to stay home and take care of Tyler because God
14 had told him one of us had to stay home. Tyler was spending
15 too much time in day care, and one of us had to stay home
16 with him. I wasn't even asked because the fact that I trusted
17 Harmon all the time, I chose to stay home with Tyler.

18 Q When you were in the process of adopting Tyler,
19 did you trust Harmon with him?

20 A When we were in the process of adopting, before we
21 got him?

22 Q Yes.

23 A I don't know. He's never been around a child
24 before. I assumed he could handle a child.

25 Q What about before the adoption actually became

1 final?

2 A Like I said in January, he wasn't around very much,
3 anyway. He was going down to Colorado Springs to meditate
4 with a friend down there, so he left the house a couple days
5 during the week, anyway. So he's time with tyler was maybe
6 an hour or two a week.

7 Q A day or two a week he was living in the Denver
8 area?

9 A Uh-hum.

10 Q Sleeping at your house?

11 A Uh-hum. I'm talking quality time where he really
12 plays with Tyler, and now, it's useless because he goes to
13 church so much, I don't think I can even expect him to see
14 his son if he is gone almost all day on Sunday. He is gone
15 Monday. He is gone Thursday night. He usually works
16 Saturday.

17 Q Did you make any effort yourself not through your
18 attorney but yourself to try and arrange for Mr. Wilfred to
19 see Tyler between March 3rd and March 23rd?

20 MS. EDINBURG: Objection, Your Honor. The
21 restraining Order specifies that the visitation is to be set
22 up by me through me so she would be violating the restraining
23 order.

24 THE COURT: Sustained.

25 Q (By Mr. Segall) Why did you contact his parents?

1 A To tell them that I had moved out; that I had
2 Tyler and he was fine; the second time to wish them a happy
3 Easter.

4 Q Did you tell them that you got a restraining order
5 against Mr. Wilfred?

6 A No, I did not.

7 Q Who besides Dale Kenney do you think is appropriate
8 to supervise the visitation that you're willing to let Mr.
9 Wilfred have?

10 A Children's Hospital.

11 Q Now, your fear is that Mr. Wilfred will injure
12 Tyler, or --

13 A My fear is that he will take him, and my fear is
14 that he could injure me. I don't think he would intentionally
15 injure Tyler, but I fear that I could be injured.

16 MR. SEGALL: I have nothing further.

17 REDIRECT EXAMINATION

18 BY MS. EDINBURG:

19 Q Sandy, you testified that you were committed to the
20 marriage. Why did you put up with all this? Why did you
21 stay there and allow all this odd behavior to keep on
22 going?

23 MR. SEGALL: Objection to the characterization of
24 Ms. Edinburg testifying.

25 THE COURT: I'll sustain the objection.

1 MS. EDINBURG: I'll rephrase the question.

2 A I guess --

3 Q (By Ms. Edinburg) Wait, wait.

4 A I'm sorry.

5 Q Why were you so committed to the marriage?

6 A I think mainly because of Tyler. I think that I'm
7 just a committed person. I don't change quickly once I'm
8 locked into something. I stay until the very end, and I
9 think that I stayed until I could not take it any more. I
10 think it was harmful to Tyler to see this kind of behavior.
11 It wasn't for his benefit, either.

12 THE COURT: Have you every been under psychological
13 or psychiatric care?

14 MRS. WILFRED: The only person I saw was Harry
15 Foke, who is a marriage counselor. I saw him six times.

16 THE COURT: Why did your husband allege that in
17 the pleadings?

18 MRS. WILFRED: I have no idea.

19 MR. SEGALL: Your Honor, I wrote the pleading, if
20 the Court please. My choice of words were perhaps inartful,
21 but it was intended to be that since the adoption has taken
22 place. The marriage was deteriorating, and my client advised
23 me that Mrs. Wilfred has been very afraid of losing the child
24 because of the financial problems. Those were my words and
25 not Mr. Wilfred's words.

1 THE COURT: you may step down.

2 MS. EDINBURG: May I just ask another question?

3 THE COURT: Yes. And Mrs. Wilfred, there was a
4 statement made by Mr. Segall as well in the same pleading
5 that you had been physically abusive to the Respondent. Did
6 you ever physically abuse him?

7 MRS. WILFRED: i never did.

8 Q (By Ms. Edinburg) There was the incident where
9 you bit his hand.

10 A Yes.

11 Q You kicked him.

12 A And I kicked him. I felt both times very threatened.
13 The time that I kicked him, I literally felt I was about to
14 be raped. The second time he was striking me, and I bit him
15 in self defense.

16 Q There's a statement that you're extremely paranoid
17 about losing the minor child ever since the adoption. Are
18 you afraid that you're going to lose this child?

19 A My only fear is that Harmon would take him. I have
20 no fear of losing him to his birth mother or anybody else.
21 In fact, Mary Conrad could testify to the fact that we're
22 probably more open than a lot of adoptive parents, adoptive
23 mothers. I wrote to his birth mother probably once in three
24 or four months. We have had two visits with her. We met
25 her when he was eight months old. I have no fear. My only

1 fear is that Harmon would take him. His first threat occurred
2 right after the adoption was final. That was, he said,
3 that unless I did what he said -- I forget what he even wanted
4 me to do, but he was threatening before the adoption hearing,
5 and that he would testify that Tyler should go to two
6 Christian parents, and therefore, mess up the adoption.
7 That's when the threats started about a month before the
8 adoption was finalized.

9 Q That was last summer?

10 A That was July 21st for the exact adoption for him.
11 Harmon testified it was June. It was in July.

12 Q He said two parents were implicated, not the two
13 of you, but two other people?

14 A That's correct.

15 Q Does it imply to you that he was not bonded or
16 attached to Tyler?

17 A I think anybody who would have been with a child for
18 about six to eight months, your own child, then allow
19 somebody to take him away or want him taken by two other
20 people, I just don't believe he was.

21 Q Now, you testified to Mr. Segall's questions that
22 the quality time Mr. Wilfred spent with this child since
23 being placed with you is about one or two hours a week?

24 A That's about right.

25 Q So this current visitation, if in fact the Court

1 continues the supervised visitation, is the same amount of time
2 Tyler would had with his dad before the separation?

3 A It's not too different. In fact, during the
4 month of August, in fact, I think it was right after our
5 anniversary, Harmon moved up into the upper bedroom, would
6 come home at night, take his Bible and go up and read the
7 Bible. He did that for a solid month every night, every
8 weekend. That's all he did was read the Bible. He did not
9 see Tyler at all for that month other than a few minutes a
10 day.

11 MS. EDINBURG: Thank you. I have nothing further.

12 RECROSS-EXAMINATION

13 BY MR. SEGALL:

14 Q Isn't it true, Mrs. Wilfred, that you were having
15 problems with your marriage before the adoption became final?

16 A Before the adoption became final?

17 Q Correct.

18 A Not that I know other than the threat that he wanted
19 me to become a Christian.

20 Q Isn't it true Mr. Wilfred said he didn't want to
21 lie or wouldn't lie in front of the adoption judge and say
22 that the marriage was solid if it wasn't?

23 A He told me if I didn't do what he wanted, that he
24 would go before the judge and tell the judge that Tyler should
25 be taken away and give to two Christian people.

1 Q Isn't it true that he said he would tell the judge
2 the truth if the marriage was not stable enough so that the
3 child would not be placed in an adoption -- in a marriage
4 because it was falling apart?

5 MS. EDINBURG: Objection, the question has been
6 asked and answered.

7 THE COURT: Sustained.

8 A He told me --

9 MS. EDINBURG: Wait, you don't need to answer.

10 MR. SEGALL: I have nothing further.

11 THE COURT: You may step down. Any other witnesses,
12 Mr. Segall?

13 MR. SEGALL: No.

14 MS. EDINBURG: Your Honor, I have two witnesses.
15 Would the Court like an offer of proof?

16 THE COURT: Yes, Ma'am.

17 MS. EDINBURG: I'd call Mr. Richard Crouse. Mr.
18 Crouse is a real estate developer. Mr. Crouse would testify,
19 Your Honor, that he received a phone call from Sandy Wilfred
20 on February 28th at approximately 7 a.m. She was most upset
21 and distressed. She told him that Harmon had just threatened
22 on God's authority, he told her he had permission or was told
23 to take the child. She was very upset and asked if she
24 could come there for safety and protection; that he then
25 handed the phone to his wife, Shelly, who spoke to

1 Mrs. Wilfred, who was crying for help. Mr. Crouse would
2 testify that he has known Mr. Wilfred for approximately
3 nine years. And in fact, he was the gentleman who introduced
4 this couple. Mr. Crouse would further testify that he
5 believes Mr. Wilfred has the capability of taking his child;
6 that he does have a rage behavior; that he has the ability to,
7 in fact, take this child and leave.

8 Mr. Crouse feels that the move was an emergency;
9 that it was spontaneous on Mrs. Wilfred's part. It was not
10 preplanned. There was not a previous plan that she was going
11 to do this. She and Tyler haven't lived in their home since
12 February 28th. She's a wonderful mother, very stable. There
13 is no history of psychological impulses. Tyler is bonded to
14 her. He is in good hands. He fears for the safety for his
15 wife and child, and also requests that the restraining order
16 continue in full force.

17 A second woman named Diana Canino (phonetic) --
18 excuse me, Diane. She has known Mrs. Wilfred for 14 years;
19 has a very close personal relationship, and lived with
20 Mrs. Wilfred for a year and a half in 1978 or '78. There is
21 absolutely no knowledge on her part of any psychological
22 history of psychiatric or psychological care; that they have
23 seen each other and maintained regular contact through the
24 years. She would testify to her observations, that Sandy is
25 a very good mother. Tyler is very attached and bonded to her.

1 She, on a few occasions, helped with the child care during
2 this period of time. Mrs. Wilfred has done a great job with
3 Tyler; that he gets upset when she leaves, but that's a
4 normal separation in time; that on five different occasions,
5 Mrs. Wilfred called her and reported violations where Mr.
6 Wilfred had chased her around the house, and the incident
7 where he rebuked the devil from her body. Mrs. Wilfred
8 spontaneously called her from where she was living and told
9 her that Mr. Wilfred said he was either going to force her
10 to commit to the marriage or he would leave. She was advised
11 of the incident with the fear of being harmed.

12 She would also testify to the spontaneous comments
13 Mr. Wilfred referenced from the police report alleging the
14 incident on Christmas. She would verify to the incident on
15 February 28th where Mrs. Wilfred called her desparately and
16 telling her what had happened that morning. She was fearful
17 for Tyler. That's what precipitated the move.

18 She would also testify that after Tyler had come
19 back to her home after the visits, he's not upset or anxious
20 or anything that he's done at the visits, but there's not
21 this bonded relationship to his family, and that is brought
22 on by the fact that Mr. Wilfred is seeing the child for one
23 hour visits.

24 Those are the two witnesses that we also have.

25 MR. SEGALL: Your Honor, I would also have an offer

1 of proof with respect to Tom Jones who is a business associate
2 of Mr. Wilfred's. He's known him for four years and seen
3 Mrs. Wilfred with the child approximately 20 to 25 times.
4 Mr. Jones' wife runs a day care center in the shopping
5 center owned by Mr. Wilfred's company, one that is in
6 Chapter 11; that Mr. Wilfred and Tyler do have a very good
7 relationship. Mr. Wilfred is a rational hard working and
8 regular guy. There is no reason why he ought not to be able
9 to see his child on a regular basis. The only objection I
10 have of the offer of proof Ms. Edinburg made is for Diane.

11 THE COURT: Are you allowed to object to an offer
12 of proof, Your Honor?

13 THE COURT: I don't know. Let's hear what you have
14 to say. I never heard one word.

15 MR. SEGALL: With respect to the statement about
16 what she told the Sheriff's Department is what she told
17 Diane, the best evidence is the report from the Sheriff's
18 Department. If the Court will accept the offer of proof,
19 I'd again move the admission of Respondent's A.

20 MS. EDINBURG: I think I'm going to object to
21 Respondet's A being admitted.

22 THE COURT: All right. The Court is prepared to
23 rule in this matter. This matter comes before the Court --
24 Mr. Segall?

25 MR. SEGALL: Your Honor, if the Court please, I'd

1 like to call Mr. Wilfred for five minutes for rebuttal of
2 Mrs. Wilfred's testimony.

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

4 MR. WILFRED: Thank you.

5 REBUTTAL EXAMINATION

6 BY MR. SEGALL:

7 Q Mr. Wilfred, you were present in the courtroom when
8 your wife testified?

9 A Yes.

10 Q Okay. And did she say anything that was untrue?

11 A Yes. She said a lot that was untrue.

12 Q Are the things she said that were untrue -- well,
13 did you ever chase her around the house and rebuke her to
14 get the devil out of her?

15 A I never did that. In fact, the incident she is
16 referring to is where she got angry and started swearing at
17 me like a sailor. I felt it was not my wife speaking. I
18 felt she was under an influence because she has been a loving
19 person that I love, but she took that as rebuking the devil
20 from her for religious persecution.

21 Q She said that you spend an hour or two of quality
22 time with Tyler a week?

23 A That's an absolute lie.

24 Q Okay. How much time would you spend with your son
25 on a regular basis?

1 A Even when my son has been ill and she had not been
2 able to deal with him, I had to take him in the bedroom up-
3 stairs and be with him all night because she couldn't deal
4 with him. He moved around when you changed his diaper. In
5 any case, he's a very strong-willed child.

6 Q Did you ever spank him? She testified you would
7 when you were trying to diaper him?

8 A I might have cracked him on the leg a little bit
9 when he was wriggling around. I never spanked him. I would
10 never never hurt him. We discussed it after that because
11 she suggested to me that maybe it was inappropriate, but she
12 ended up agreeing with me. In fact, I went and got Dr.
13 James Dobson's book and opened it up and read it with her
14 and let her read it and discussed it with her, and we
15 discussed that it was appropriate to spank a child probably
16 after 15 months.

17 Q Is this your first child?

18 A Yes, it is.

19 Q Okay. Have you made mistakes in raising him?

20 A We certainly are not infallible.

21 Q Has your wife made mistakes?

22 A Neither one of us are infallible. I think we both
23 mean the best for the Tyler. I will give her credit for
24 that.

25 Q Did you ever tell her before the adoption became

1 final that you were threatening to take the child away from
2 her or cause the child -- the adoption not to go through?

3 A Never. All I said earlier was that I was not
4 going before a judge and lie so that she could take Tyler.
5 She had threatened to do that after the adoption was finalized
6 if we were not stable. I told her that I would tell the
7 judge that things weren't stable. Frankly, my intentions
8 were to go into the judge and continue the whole process
9 until we were stable.

10 Q Okay. Did you donate \$2,000 to the church in
11 January?

12 A I did. It was my tithe.

13 Q Okay. Did you say \$4,000 or \$2,000?

14 A It was another \$2,000. There was a \$2,000 amount
15 that was donated to Mr. Tom Jones. It wasn't a donation.
16 He needed the money as an investment.

17 Q Now, your wife bit you on the finger. Were you
18 about to hit her?

19 A No, I wasn't.

20 Q Were you pushing her away?

21 A I had my hand out to keep her from trying to jerk
22 Tyler out of my arms because she was hysterical.

23 Q Who was the aggressor in that incident?

24 A She was.

25 Q In the motion that I wrote, I indicated that it was

1 Mrs. Wilfred who was paranoid about losing the child. Why
2 do you believe that is so?

3 A I can recall a time when things were looking very
4 grim for us financially before Tyler's adoption was finalized,
5 and I remember her literally getting on the phone, and I had
6 used every last thing that I could find to make things work.
7 I wasn't sure which way to turn, and I posed that to her while
8 she was sitting in the living room. She was clutching Tyler
9 and saying, "I'm going to lose my son. I'm going to lose my
10 baby." I kept saying, "No, you're not," but I mean from then
11 on, it was a constant fear of losing Tyler. I really
12 believe that I made some decisions that weren't so good
13 financially during those periods. I can be faulted for that.
14 I even made some decisions without consulting Sandy. I can
15 be faulted for that also. It was a trying time. I have never
16 even hid financial documents from her. The only time I
17 removed the cash from her, that she didn't have signature
18 authority is when she told me she was going to leave me. You
19 bet I moved the funds before that could happen. She was also
20 able to sign on every checking account including the one that
21 I only had my name on. She has a signature card signed as
22 signature authority.

23 Q Okay. Are you prepared to account to the Court of
24 any money spent by you?

25 A You bet I am.

1 Q When you filed the Chapter 11 bankruptcy, was that
2 with the intention of leaving the state?

3 A That absolutely was not.

4 Q Why is the shopping center in Chapter 11?

5 A Because it was a defense mechanism to pull the
6 lenders back at this point in time. It's looking like we
7 may end up winning the lawsuit right now.

8 Q Is it your intention to work within the structure
9 of the Chapter 11 proceeding to try and save your business?

10 A Absolutely. I'm taking time off to do it.

11 Q Have you put any fraud before the bankruptcy court?

12 A Absolutely not.

13 Q And, in fact, Ms. Edinburg and your wife can go to
14 the bankruptcy court and look at the files?

15 A They can look at my checkbook right here if they
16 wish.

17 Q Thank you.

18 MR. SEGALL: I have nothing further.

19 EXAMINATION

20 BY MS. EDINBURG:

21 Q Mr. Wilfred, that book you bought on strong-willed
22 children was the first book that you read about child care
23 centers?

24 A No, it's not true.
25

1 Q There are several books that are recommended by the
2 adoption agency that you did not read; isn't that true?

3 A I read part of those books. Sandy read a lot of
4 them.

5 Q You did not read most of them, did you?

6 A I read most of them. That's not correct.

7 Q Isn't it true, Mr. Wilfred, you didn't even know
8 about child rearing until you had got some information from
9 Mrs. Wilfred on what's appropriate and what wasn't appropriate
10 for an eight or nine-month old?

11 A That's not true.

12 Q So Tyler is in your arms, you're changing his diaper,
13 he's wiggling and you hit him on the leg. Is that what you
14 did?

15 A I swatted him to make him slow up, but he still
16 kept wiggling.

17 Q You smacked him?

18 A I smaked him on the leg, yes.

19 MS. EDINBURG: I have nothing further, Your Honor.

20 MR. SEGALL: Nothing further.

21 THE COURT: You may step down. Anything else,
22 Counsel?

23 MR. SEGALL: No, Your Honor.

24 THE COURT: This matter comes before the Court on
25 Respondent's Motion to modify a restraining order. The

1 restraining order was issued on an ex parte basis.

2 The Court finds after hearing the testimony of
3 both parties, judges the credibility of both parties, finds
4 that the restraining order is proper; that visitation should
5 be supervised. It should be supervised for at least two
6 hours a week. I think that it should be at least two hours.
7 It can be two hours a day twice a week. I don't think it
8 should be four hours. I think for a 15-month old, he ought
9 to see his father twice a week. I think my sense is that
10 both the time and the money is available for Children's
11 Hospital to do that. If the police officer is not available,
12 somebody should be available to allow visitation.

13 All other parts of the restraining order should be
14 in full force and effect. Both parties will have a restraining
15 order regarding the assets.

16 Neither party shall remove the minor child from
17 the State of Colorado without written order of the Court.
18 The Court has appointed Susan Dycus as a Guardian ad Litem
19 in this matter. She was being contacted. If she hasn't
20 yet contacted you, an order will go out. The order will say
21 that she is appointed. Each party shall pay Ms. Dycus \$250.
22 Her fee is going to be \$50 an hour. She serves at the pleasure
23 of the Court. That is at a cut rate, and of course, that's
24 subject to change if the Court thinks it's necessary.

25 I would like both parties to fully cooperate with

1 Ms. Dycus. You can use Children's Hospital, or you can use
2 a private party, whatever is most comfortable for the
3 child and the parties.

4 This matter should go to temporary orders as soon as
5 you can do that.

6 MS. EDINBURG: Your Honor, with respect to the
7 cost for visitation and the Guardian ad Litem, we have
8 received no monies. We don't have temporary orders until
9 June. We do not have the funds to pay the Guardian ad Litem
10 or pay for the supervised visitation. Would the Court be
11 willing to have Mr. Wilfred do that?

12 THE COURT: We will do that on a temporary basis.

13 MS. EDINBURG: Thank you.

14 THE COURT: Mr. Wilfred will pay those sums. All
15 other orders will stay the same.

16 MR. SEGALL: Thank you.

17 MS. EDINBURG: Thank you.

18 (Whereupon, the Court adjourned this matter at
19 4:41 p.m.)
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25

