

1 DISTRICT COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO

2 Case No. 89DR477, Division R-1

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4 TRANSCRIPT OF TAPE-RECORDED PROCEEDINGS (Excerpt)

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6 In re the Marriage of:

7 SANDRA WILFRED,

8 Petitioner,

9 and

10 HARMON WILFRED,

11 Respondent.

12

13 This matter came on for hearing on continued
14 temporary orders on June 15, 1989, before VIRGINA WARE,
15 District Court Referee.

16 This is a transcript of an excerpt of the
17 proceedings recorded in this case on that date.

18 APPEARANCES: ELAINE EDINBURG, Attorney at Law,
19 appearing on behalf of the Petitioner herein.
20 ROBERT HINDS, Attorney at Law,
21 appearing on behalf of the Respondent herein.
22 JOANN LONG, Attorney at Law,
23 appearing on behalf of the Respondent herein.
24 SUSAN DYCUS, Attorney at Law,
25 appearing as Guardian ad Litem for the minor
child.

I N D E X

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RESPONDENT'S WITNESSES

MARK BAGWELL

Direct Examination by Mr Hinds

Cross Examination by Ms. Edinburg

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JUNE 15, 1989

(WHEREUPON, the following proceedings were recorded:)

THE REFEREE: We're back on the record now on June 15th, 1989. Just one minute. We're calling in re the marriage of Wilfred, 89DR477. Counsel, would you enter your appearances?

MS. EDINBURG: Good afternoon, Your Honor. I'm Elaine Edinburg and I appear this afternoon with the Petitioner, Sandra Wilfred, who's seated at counsel table.

MR. HINDS: Good afternoon, Judge. Bob Hinds, registration number 579, for the Respondent.

MS. LONG: And Joann Long appearing on behalf of the Respondent as well.

MS. DYCUS: Susan Dycus, registration 13721, as guardian ad litem.

THE REFEREE: This matter comes on this afternoon for continued temporary orders. Counsel, you wanna briefly tell me -- Mr. Hinds indicated that -- that you'd been working on some things. Have you reached any -- any --

MS. EDINBURG: I wish --

THE REFEREE: -- stipulations?

MS. EDINBURG: -- that we could, Your Honor. We're kind of at a (sic) impasse in terms of, you know, an offer to continue the supervision and the restriction on the

1 visitation, but with an automatic lifting at a certain point,
2 and that's the part that we are very uncomfortable with. We
3 just cannot agree to an automatic lifting of the supervision
4 without an opportunity to come before the Court and determine
5 whether or not the situation is (inaudible) stable. And
6 that's where we're at with an impasse.

7 MR. HINDS: If I might, I would like to identify
8 to Your Honor what our position is at this point and that
9 would, I think, hopefully limit any examination we have to do
10 in terms of what we're offering.

11 We would offer, in addition to the 1,500 the Court
12 had indicated, after we identify what the finances would --
13 would be, that commencing next month, that is for the month of
14 July, there is a payment which was testified to, an additional
15 1,500, comes to Mr. Wilfred. We are going to increase our
16 payments to the wife of \$250 a month, making the payment
17 \$1,750 a month to her and the child.

18 Regarding the opposition on the visitation, in
19 visiting with the guardian ad litem this morning and again
20 just before the -- the call of Court, there are two offers
21 that we have to make and I believe that's --

22 THE REFEREE: Before we go too far into these
23 offers, Mr. Hinds, you're not asking me to act as a settlement

24 --

25 MR. HINDS: No.

1 THE REFEREE: -- judge and then --

2 MR. HINDS: No, I'm not --

3 THE REFEREE: -- and then hear the testimony, I
4 hope?

5 MR. HINDS: It's entirely different. I'm
6 expressing to you what our -- what our trial position is, not
7 an offer for them to settlement.

8 MS. EDINBURG: Well --

9 MR. HINDS: Our trial position is modified from
10 my earlier opening statement --

11 THE REFEREE: Oh, I see.

12 MR. HINDS: -- to the following:

13 THE REFEREE: Okay.

14 MR. HINDS: As to supervision, we are taking a
15 position as follows: That there shall be one month more
16 of continued supervision. That supervision is now being done
17 under the general auspices of Bridges, but apparently by a --
18 a -- an individual right now. The last visit of the one-month
19 supervision will be done by Bridges themselves and they will
20 report to the guardian ad litem, Ms. Dycus, and absent
21 problems with the visitation, the supervision shall stop after
22 that one month.

23 We make that position to attempt to assist the wife
24 with her sense of anxiety and the testimony had been that
25 there'd been some intensity with the child and the father. In

1 addition to that, my client will work under the -- with Dr.
2 Gary Gutterman (phonetic), who is here present, who is a -- is
3 a psychiatrist licensed to practice in Colorado. He will be
4 in therapy during that period. We will make available to Ms.
5 Dycus, if she wishes to discuss matters with the progress of
6 the therapy, Dr. Gutterman will be released to speak to Ms.
7 Dycus regarding that progress.

8 That is our offer. It's done to hopefully go and
9 get this matter somewhat off of the conflict and the
10 aggressive stage into the healing stage, and that's what
11 (inaudible) on today.

12 THE REFEREE: Ms. Edinburg, did you have any new
13 statement of position or -- or reopening remarks or whatever
14 we -- however we'd like to characterize it?

15 MS. EDINBURG: Your Honor, I think we could live
16 with that offer if we had a court hearing in four weeks and we
17 had the opportunity to determine whether or not the concern
18 about the removal. It's not the interaction. Bridges or
19 whomever supervises is not going to be able to determine a
20 potential snatch in four weeks, and, you know, Mr. Wilfred's
21 behavior since this case started on March 3rd has been all
22 over the map and there's a -- a letter in the court file that
23 the Court can read filed with the Court dated March 9th
24 basically telling me that he's gonna give us everything we
25 want and, you know -- I mean, if -- if Sandra continues to

1 feel that it would be harmful for me to have any contact with
2 her and Tyler, I will honor her feelings and am willing to
3 legally document such. That was the March 9th statement filed
4 with the Court by Mr. Wilfred.

5 Since that time, everything has turned around. I
6 cannot trust that an automatic lifting of this supervision
7 will adequately protect this child. And if we can come back
8 to court in four weeks and -- and see what's going on and have
9 access to Dr. Gotterman (phonetic) and be able to cross
10 examine him and -- and not have an automatic power placed with
11 the guardian ad litem, as much as I respect Ms. Dycus --

12 THE REFEREE: Would it help, folks, if I get my
13 docket book in here and we see what we can find with regards
14 to a hearing date? Would that help? Ms. Dycus, how do you
15 feel about this?

16 MR. HINDS: I just wanna make one comment. If we
17 were to have a phone review where the guardian would report
18 and the Court in a month decided, is a hearing necessary, I'm
19 comfortable with that. If we're just saying, she wants an
20 evidentiary hearing, I have psychiatrist at great expense, I
21 have the pastor of the church here, I have two or three
22 accountants here, might as well as do it now because if she
23 wants an evidentiary hearing, let's do it now and -- and let's
24 clear the air on this and -- and get it resolved.

25 If what she would like to know is the guardian ad

1 litem, who is here on -- on the basis of the child, will visit
2 with the parties concerned and report on a phone conference
3 and then you decide if we need to go to all this expense. I
4 don't want to bring these folks all back in. We've so merged.
5 He's supposedly unstable for business reasons; he's unstable
6 for emotional reasons. I gotta bring everybody back in here.
7 I might as well just do it and take the two hours today.

8 So if -- if you can agree --

9 THE REFEREE: Excuse me. Excuse me. It's 20
10 minutes till 4, Mr. Hinds.

11 MR. HINDS: Yes.

12 THE REFEREE: You don't have two hours today.

13 MR. HINDS: Exactly right. I apologize.

14 THE REFEREE: You had two hours --

15 MR. HINDS: I apologize --

16 THE REFEREE: -- at 3 o'clock.

17 MR. HINDS: -- for -- for that, Your Honor.

18 THE REFEREE: Yeah.

19 MR. HINDS: But if -- if Ms. Edinburg is satisfied
20 that we could do it by phone conference and li-- get a verbal
21 report from the guardian ad litem and then you can decide
22 whether we need an evidentiary hearing on the issue, limited
23 to the issue of supervision, you then say, yes, we do need a
24 hearing, and we'll set it at that point. Supervision will
25 continue until you've made that decision. I would understand

1 that.

2 THE REFEREE: Ms. Edinburg?

3 MS. EDINBURG: I --

4 THE REFEREE: Are --

5 MS. EDINBURG: -- I don't trust a phone conference.

6 I mean, there's --

7 THE REFEREE: Well, I mean, you know --

8 MS. EDINBURG: I need an evidentiary -- ex-- I need
9 an evidentiary hearing, Judge.

10 THE REFEREE: You -- you will need an evi--
11 you're sure you'll need an evidentiary hearing?

12 MS. EDINBURG: Well, unless there's some incredible
13 evidence that I have access to that the -- the situation has
14 stabilized. See, the problem is, that since I began this case
15 on March 3rd, I've seen Mr. Wilfred's behavior and the court
16 file is documented that he's been all over the map. He's
17 gonna give us everything and then he wants everything. He --
18 he's not complied with anything we've asked him to do except
19 in the last four days we've gotten child support for the first
20 time and Mr. Hinds seems to have the situation a little more
21 under control.

22 But I don't believe that four weeks is gonna mag--
23 magically make everything change when for three months we've
24 been all over the map with this thing, so I can't -- I can't
25 guarantee that. I -- I want an evidentiary hearing. I mean,

1 we can start today. I'm certainly willing to do it. We're
2 not gonna finish today. He's got four witnesses, including an
3 expert. We're not gonna finish today. I mean, I have 10
4 documents, bank accounts, showing all of the transfers --

5 (Beeping noise)

6 THE REFEREE: Is somebody fixing to blow up?

7 UNIDENTIFIED PARTY: Sorry.

8 THE REFEREE: That -- that's all right. As long
9 as it's not a bomb, I -- okay (inaudible).

10 Could I see counsel in my chambers?

11 MR. HINDS: Sure. Excuse us.

12 (WHEREUPON, the tape continued to run, but parties
13 in this case were not present, and eventually the tape was
14 stopped.)

15 (WHEREUPON, proceedings were recorded, but were
16 previously transcribed and not herein transcribed.)

17 THE REFEREE: We're going to take a witness out
18 of order now. And who are you calling, Mr. Hinds?

19 MR. HINDS: We're going to call the minister.
20 Would you step forward, sir?

21 MS. EDINBURG: Your Honor, may I at this time
22 tender to the Court two Worksheets A -- two Worksheet A's --

23 THE REFEREE: Sure. Certainly.

24 MS. EDINBURG: -- for child support and we'll also
25 give Mr. Hinds and Ms. Dycus copies.

1 THE REFEREE: Have other counsel gotten copies of
2 these?

3 MS. EDINBURG: Yes.

4 MR. HINDS: I can keep all the things that we get
5 and then make -- we'll make copies, okay?

6 (WHEREUPON, the witness was duly sworn by the
7 Referee.)

8 THE REFEREE: You may be seated. Please adjust
9 the microphone. The microphone does not make -- magnify your
10 voice, it simply feeds into the tape recorder. We need you to
11 speak clearly and distinctly.

12 MARK BAGWELL,

13 called as a witness on behalf of the Respondent, having been
14 first duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. HINDS:

17 Q Would you state your name, sir?

18 A Mark T. Bagwell.

19 Q And would you spell your last name, sir?

20 A B-A-G-W-E-L-L.

21 Q And what is your occupation?

22 A I'm a minister.

23 Q And of what church?

24 A Word of Life.

25 THE REFEREE: I'm s-- sorry?

1 THE WITNESS: Word of Life.

2 Q (By Mr. Hinds) And what is the address there,
3 sir?

4 A 4625 East Iowa Avenue in Denver.

5 Q Are you a minister in relationship to my client,
6 Mr. Harmon Wilfred?

7 A Yes, I believe I'm considered his pastor.

8 Q All right.

9 MR. HINDS: Your Honor, at this time I would ask
10 my client's permission to inquire in relationship to matters
11 that might have otherwise been considered privileged between
12 the minister and my client. He has been advised of his rights
13 as to the confidentiality of those confidences and has advised
14 me that I may ask the questions and releases and waives his
15 privilege as to the minister, is that correct --

16 THE RESPONDENT: That is correct --

17 MR. HINDS: -- Mr. Wilfred?

18 THE RESPONDENT: -- Your Honor.

19 MR. HINDS: That -- that being understood, may I
20 proceed then to inquire?

21 THE REFEREE: So confidentiality privilege has been
22 waived.

23 MR. HINDS: Thank you.

24 Q (By Mr. Hinds) Sir, you have discussed matters at
25 length with my client in your capacity as his pastor?

1 A Yes, sir.

2 Q In addition, you have been a -- a Pentecostal
3 minister for how many years?

4 A I began in 19-- 1972.

5 Q Of what faith is Mr. Wilfred?

6 A I guess it would be categorized now as -- as
7 Pentecostal, charismatic, whatever term relates to the -- the
8 courts or whoever.

9 Q I'm gonna ask -- I'm gonna make a statement and
10 I'm gonna ask if you could tell me in terms of your knowledge
11 and experience in the faith which Mr. Wilfred is involved what
12 that would mean.

13 A Okay.

14 Q I'm going to make the following statement I
15 represent that testified in court that Mr. Harmon Wilfred
16 made. The statement is as follows: God has given me
17 authority to take possession of the child. Did you hear my
18 statement?

19 A Yes, sir.

20 Q All right. Can you tell me within the Pentecostal
21 religion what such a statement would mean?

22 MS. EDINBURG: Objection, Your Honor. How -- how
23 -- how does he know what it's gonna mean in terms of Mr.
24 Wilfred's intention? I think it's beyond the scope of his
25 ability to testify.

1 THE REFEREE: Well, I'll hear argument on this,
2 Mr. Hinds.

3 MR. HINDS: If a lay witness in life can be free
4 to testify what she interprets that to mean, certainly a
5 professional witness who utilizes that sense of semantic and
6 language can testify within the scope what a parishioner of
7 his would mean in terms of that expression as well.

8 THE REFEREE: However, Ms. Wilfred was present at
9 the time. I -- I think you're asking -- I -- I -- I don't
10 know about Mr. Bagwell, but I sure would hate to an-- try to
11 answer that question, counsel. I'll let you ask it, for
12 whatever it's worth.

13 MS. EDINBURG: Are you gonna overrule the
14 objection, then? I mean, I --

15 THE REFEREE: I -- I -- yeah, I'll overrule. I'll
16 let him ask it.

17 MS. EDINBURG: Okay. Well, please let the record
18 be clear. I am objecting because I --

19 THE REFEREE: Okay. You can object. Take me up.

20 MS. EDINBURG: I don't want to do that.

21 Q (By Mr. Hinds) Would you please?

22 A If you'd re-- repeat the question or the -- the
23 statement again.

24 Q What would the statement, God has given me the
25 authority to take possession of my child, in reference to

1 you?

2 A Basically, it would mean to me that through prayer
3 and through his faith in God, that he is believing God -- that
4 God would restore his child into his care. If he made -- if
5 he made that statement to me right now, or in counsel,
6 I would interpret it as a fact that he is believing in prayer
7 and just believing the Word of God or in prayer believing that
8 in some how and some way, in regards to the legal processes,
9 that God is going to restore his child to him.

10 Q In terms of your flock, if you will, the
11 parishioners of your church, is prayer an important facet?

12 A Yes, sir.

13 Q And is it common or uncommon for your parishioners
14 to pray during the working day?

15 A Yes.

16 Q It is common?

17 A Yes, it is.

18 Q Is it common or uncommon that they may pray two or
19 three hours at a given time during a working day?

20 A Yes, I have -- I have many people that -- that
21 pray two, three, even more hours than that.

22 Q Even during the working day?

23 A Even during the working day.

24 Q What -- would it be common or uncommon for your
25 parishioners, for example, to place a hand upon a phone or --

1 in praying for an important phone c-- conference to work out
2 well, would that be common or uncommon?

3 A I can't say whether it would be common or
4 uncommon, but I -- I can say that we just -- we teach the
5 people to believe that God can help them regardless of what
6 the circumstance of the situation is. I do not regard it as
7 erratical behavior.

8 Q Is faith an integral part of a business
9 relationship in terms of the Pentecostal religion?

10 A You mean their faith in God?

11 Q Their faith in God an integral part of their
12 business experience?

13 A Yes. I would -- I would say that we teach our
14 people that their faith in God is a -- is an integral part in
15 all of the aspects of their life.

16 Q Is part of the p-- teachings of your church, does
17 it involve respect for the law and obedience to such things as
18 court proceedings?

19 A It's basically the foun-- part of one of the major
20 foundations of our church. We teach our people to abide by
21 the laws of the land. And that in all things that we do, that
22 we do them to the best of our ability and that we abide by the
23 covenants, the laws and ordinances of our country and our
24 state and our county and our city.

25 Q In your pastoring work with Mr. Wilfred, would

1 there be anything in his communications to you -- have there
2 been any communications that indicate in any way that he would
3 snatch or unlawfully take his child from the jurisdiction of
4 this state?

5 MS. EDINBURG: Objection. Calls for conclusion
6 that is beyond the scope of --

7 THE REFEREE: Now, that's not what he said. I
8 didn't hear a conclusion. I said, has he been told anything
9 that would lead him to believe that -- that Mr. Wil-- I'm
10 gonna allow it.

11 MS. EDINBURG: Okay.

12 THE WITNESS: I have never heard anything that even
13 slightly indicated that.

14 Q (By Mr. Hinds) Have -- what -- what is an
15 anointing cloth within the church?

16 A Well, the Bible says in the Book of Acts, it said
17 they -- that God wrought special miracles through the hands of
18 the Apostle Paul when they took aprons and handkerchiefs from
19 the body of Paul and from that they took the handkerchiefs and
20 God gave healings and miracles unto different people.

21 It is a practice in our belief that we will pray
22 over what we call a prayer handkerchief for the sick that
23 cannot come to the services and that that prayer handkerchief
24 be taken to the sick or depressed or discouraged and it
25 becomes as what we would call a point of contact and it -- it

1 deals in a realm of faith and it deals in a realm that is not
2 what is commonly categorized as logical thinking, but I guess
3 neither is lighting a candle in a Catholic church or pouring
4 water in baptism over an infant's head in baptism, or the
5 doctrine of transubstantiation in the Catholic Church
6 concerning communion.

7 Q How frequently have you personally ministered in
8 the last six months to my client?

9 A In what way do you mean ministered?

10 Q One on one as against, you know, his attendance at
11 a prayer meeting or other (inaudible).

12 A In the last six months, I would probably say in
13 the neighborhood of somewhere between a half dozen to a dozen
14 times.

15 Q Have you observed ac-- actions and comments from
16 him that indicate an instability -- emotional instability in
17 Mr. Wilfred?

18 MS. EDINBURG: Objection. Calls for a conclusion
19 about emotional instability and this witness is not ke--
20 qualified as an expert to give that opinion.

21 THE WITNESS: Uh, uh --

22 MR. HINDS: If I might respond?

23 THE REFEREE: You certainly may, Mr. Hinds.

24 MR. HINDS: Yes. If a person who is a bookkeeper,
25 a person who is a secretary has been allowed to testify to

1 what they observed and whether they felt he had an emotional
2 instability, I would think that a pastor could do the same.

3 THE REFEREE: Objection overruled.

4 THE WITNESS: I think in regard to the fact that a
5 greater portion of what that I -- that what I do deals with
6 counseling and with helping people cope with their emotional
7 instabilities, I spend a great portion of my week in
8 counseling and in con-- conference with different members of
9 our church.

10 I have not noticed a radical behavioral change in
11 the last six months. I have not known the client as long as,
12 naturally, some people here in the room have, but on the
13 one-to-one accounts that I've seen, I've not noticed a radical
14 behavior change.

15 Q (By Mr. Hinds) And has he ever discussed with you
16 wishing to reside in Mexico?

17 A No, sir.

18 Q Has he discussed with you his business problems?

19 A He has discussed that there has been business
20 problems.

21 Q In your discussions, were you able to come to any
22 kind of opinion as to whether he is invested in attempting to
23 resolve those business problems?

24 A I believe he's putting -- in -- in my perspective,
25 I believe he's putting every effort forward to resolve his

1 business problems.

2 Q That's all I have. Thank you for coming.

3 MS. EDINBURG: May I cross examine?

4 THE REFEREE: You may, counsel.

5 MS. EDINBURG: Thank you.

6 CROSS EXAMINATION

7 BY MS. EDINBURG:

8 Q Reverend Bagwell, are you familiar with how much
9 Mr. Wilfred's currently contributing to the church?

10 A Yes, I am. He has contributed \$4,500 totally this
11 year. I just had my offices called.

12 Q \$4,500. If I were to tell you that we have checks
13 from just the month of January that are --

14 A Because they were the largest contri--

15 Q May I finish? Just a moment.

16 A Okay.

17 Q May I finish? Just the month of January totalled
18 almost 4,500 -- \$4,000.

19 Isn't it true every time Mr. Wilfred comes to
20 church he tithes either 50 or \$100?

21 A No, ma'am, it's not.

22 Q And you have all of the records?

23 A January Mr. Wilfred, according to our records,
24 donated \$2,250. February Mr. Wilfred donated -- the addition
25 on this is not correct -- but in February Mr. Wilfred donated

1 \$900. In March Mr. Wilfred donated \$350. In April Mr.
2 Wilfred donated \$610. In May Mr. Wilfred donated \$300. In
3 the month of June, as of June the 6th, he has donated \$100.

4 This -- the figure of \$4,500 is incorrect because
5 there was an addition mistake made in the paper given to me,
6 but the largest amount of donation was given in the month of
7 January because there was a one-time offering of \$2,000 that
8 was given.

9 Q Well, if I have cancelled checks that the Court
10 has before them in the month of January that are written out
11 to World of Life (inaudible) --

12 A Word of Life.

13 Q -- Word of Life, the total in excess of \$4,000 --

14 A Uh huh.

15 Q -- in Mr. Wilfred's handwriting, cashed by your
16 church, then someone's records are incorrect (inaudible).

17 A I'm just -- I am repeating, I had my office
18 called, and if there is a clerical mistake, then there's a
19 clerical mistake, but according to the records that I have on
20 our computer, this is what we have.

21 Q And Mr. Wilfred's filed a financial affidavit with
22 this Court and signed and sworn to on June 13th, and it says,
23 miscellaneous he contributes \$600 a month to the church in
24 tithe contributions and gifts.

25 A Uh huh.

1 Q Is that incorrect according to your figures?

2 A I just gave you the figures that were given to me.
3 Now, you can ascertain whether they're incorrect or not.

4 Q All right. So if Mr. Wilfred is such a good
5 religious person and he abides by the law and upholds the word
6 of -- the laws of the land, then he would not lie, is that
7 right?

8 A I would ascertain that he would not.

9 Q You would ascertain? But you don't know, do you?

10 A I -- if he is abiding by the Word of God and is he
11 -- if he is abiding by the -- the Word, no, he would not be a
12 liar.

13 Q Okay. If he was ordered by the Court to produce
14 certain documents to me and to his wife pursuant to formal
15 legal proceedings and he didn't comply with that, then he
16 would not be a good Christian observing the laws of the land,
17 would he?

18 MR. HINDS: I'm gonna object. I don't think this
19 witness can determine whether a delinquency in answering
20 interrogatories would in fact be a good Christian or not. I
21 -- I -- I think a direct order disobeyed, perhaps, but
22 answering interrogatories I have not quite thought is the key
23 to downstairs at this point in time.

24 MS. EDINBURG: Mr. Hinds brought it up. This
25 witness was offered for the purpose of telling the Court that

1 he would abide by the laws of the land and obedience to court
2 proceedings and certainly discovery is an important part of
3 that.

4 THE REFEREE: Was that an objection (inaudible)?

5 MR. HINDS: I guess it was a speech. I just had --

6 THE REFEREE: O-- o-- okay. I --

7 MR. HINDS: -- to do it. I -- I -- I withdraw my
8 objection.

9 THE REFEREE: Well, if it was an objection, it's
10 not -- it's denied.

11 MR. HINDS: I -- I withdraw it. Thank you.

12 Q (By Ms. Edinburg) Has Mr. Wilfred shared with you
13 any of his past religious beliefs?

14 A The only reference that I have to Mr. Wilfred's
15 past religious beliefs were concerning his relationship with,
16 I believe, the Lutheran Church.

17 Q Did he share with you that he was involved with the
18 New Age movement and at one point in his prior religious
19 beliefs he believed that his body was levitating above the
20 family residence? Did he tell you that?

21 A No, he never shared with me on those issues.

22 Q Did he ever tell you that he suggested to his wife
23 that she get a Philippine doctor that could reach inside her
24 body and take and remove organs out of her? Did he ever tell
25 you that?

1 A No, ma'am.

2 Q Would that be (inaudible) to you if those two
3 things were in fact previous religious convictions of Mr.
4 Wilfred? Is that consistent with your church's beliefs?

5 A No, that is not consistent with my church's
6 beliefs, but neither is --

7 Q Thank you.

8 A -- it consistent --

9 Q Thank you.

10 A Your Honor?

11 Q You've answered my question.

12 THE REFEREE: This is cross examination.

13 THE WITNESS: I understand, but it's not a --

14 MS. EDINBURG: Reverend --

15 THE WITNESS: It -- it leaves me -- you are a--

16 MS. EDINBURG: That's not my (inaudible).

17 THE REFEREE: It -- Mr. -- Mr. Hinds will get to --

18 THE WITNESS: Okay.

19 THE REFEREE: -- give you some redirect, Mr.

20 Bagwell.

21 THE WITNESS: Okay. I apologize. I'm sorry.

22 MS. EDINBURG: Is -- is --

23 MR. HINDS: I -- I doubt it at this hour, Your

24 Honor, but that's fine.

25 Q (By Ms. Edinburg) Is it appropriate for this

1 annointed cloth or handkerchief for a man to suggest that he
2 be allowed to help place it on the vaginal area of the woman
3 to whom he's administering it to?

4 MR. HINDS: Your Honor, that I have to object to.
5 The factual basis in evidence now is that annointed cloth and
6 a said -- a statement by that witness that he wanted to be in
7 support. That is the only statement in evidence. That's the
8 best statement of evidence. I think phrasing that as if it
9 related to this case is just an inappropriate restatement of
10 the evidence.

11 MS. EDINBURG: What she said was he offered to
12 support and help her with the cloth, and she felt that her
13 privacy was being violated. She testified to that.

14 THE REFEREE: However, I don't believe, Ms.
15 Edinburg, and maybe -- maybe we'd all have to listen to the
16 tape -- but I don't believe that she indicated that Mr.
17 Wilfred was suggesting that he place the cloth on her vaginal
18 parts. I did not hear that. That he be present as a support,
19 perhaps, yes, and she felt that was inappropriate.

20 MS. EDINBURG: Let me phrase it that way.

21 Q (By Ms. Edinburg) Is it appropriate for a man
22 who's not married to a woman to offer an annointed cloth and
23 be physically present when she applies it to whatever area of
24 her personal parts is so-called needed the healing? Is that
25 appropriate?

1 A In the normal procedure in a situation like that,
2 it would not be applied to the -- the physical body
3 unclothed.

4 Q Did Mr. Wilfred share with you his high sexual
5 libido drive?

6 A No, ma'am, he did not.

7 Q Did he share with you that he's been on three-
8 weeks fasts and refused to eat anything except fruit juice?
9 Has he ever shared that with you?

10 A He has shared with me at different times that he
11 has been on a fast, which a fast is very commonly found in the
12 Scriptures, that Jesus Christ himself fasted 40 days, among
13 others.

14 Q And is -- is it part of your teachings that someone
15 should go on a 21-day fast, even though they're not --

16 A I do not --

17 Q -- functioning properly?

18 A -- direct -- I do not direct people or tell people
19 to fast for any specified length of time.

20 Q And if I were to tell you that one of Mr. Wilfred's
21 other religious involvements inv-- involved his desire to
22 become Jewish, would that be consistent with your God's
23 teachings?

24 A If Mr. Wilfred has never expressed to me that he
25 desired to be Jewish.

1 Q And if I told you that he wanted their newly-
2 adopted baby raised Jewish, would that be consistent with
3 your teachings?

4 A We're a Christian church. No, to raise a child
5 Jewish would not be consistent with our theology.

6 Q Okay. So we now have the New Age movement, we now
7 have Judaism and we now have your church's Pentecostal
8 charismatic belief in the last three or four years. Does that
9 show you that this man may be a little instable in terms of
10 his religious convictions?

11 THE REFEREE: Sustained, counsel.

12 Q (By Ms. Edinburg) Does your church believe that
13 someone on Earth, such as myself or Ms. Wilfred or the Court
14 is a prophet?

15 A Does our church believe that there are prophets --

16 Q On Earth. Yes.

17 A -- on this Earth? Yes.

18 Q Living prophets (inaudible)?

19 A Yes.

20 Q And does your church also believe that a prophet,
21 such as a human being, whether it's Mr. Wilfred's business
22 partner, has the ability to determine whether I'm possessed
23 with demons or Ms. Wilfred's possessed with demons?

24 A No, I don't believe we get totally into the fact
25 of whether we get into the fact of possessed with demons.

1 Q Do you know Mr. Tom Jo-- Jones?

2 A Yes, ma'am.

3 Q Do you believe he's a prophet?

4 A I believe he is a very godly man.

5 Q Do you believe he's a prophet, yes or no?

6 A Yeah.

7 Q He is a prophet?

8 A I believe --

9 Q Do you believe that people --

10 A What's your definition of a prophet?

11 Q I -- I don't know.

12 A Well, then how can I --

13 Q (inaudible) I'm not on the witness stand.

14 A -- answer? Well, I'm just saying, you know, we
15 can throw out a term, and it could mean one thing to you and
16 another thing to the Court --

17 Q Reverend -- Reverend Bagwell, do you believe that
18 someone should be fired from a business function because
19 they're, quote, possessed by demons?

20 A It's not my determination to make that
21 determination.

22 Q Do you know what a narcissistic personality is?

23 A No, not -- I'll let you define that to me.

24 Q Well, it's a person that feels that they're the
25 most important person on Earth and that their needs come

1 before anyone else's, is my layperson's definition.

2 A Okay. Now I know basically what you're --

3 Q Would you describe Mr. Wilfred as having that kind
4 of behavior?

5 A No.

6 Q Have you ever seen him with his child before the
7 separation? Did he ever come to the church alone with the
8 child?

9 A I believe on one particular occasion Harmon and
10 Sandy and the child were all present. That is the only time
11 that I remember.

12 Q Okay. Before the separation, then, is it your
13 testimony that he was never alone at the church with the
14 child?

15 A To my recollection. In other words, I have
16 several hundred members. It's hard for me to recollect --

17 Q I'm asking if you recollect whether he was ever
18 alone in the church with the child?

19 A No, not to my recollection.

20 Q Is it your testimony that a balloon is a
21 dangerous object for a child?

22 MR. HINDS: Your Honor --

23 MS. EDINBURG: That that's correct?

24 THE WITNESS: I don't know what religious --

25 MR. HINDS: Excuse me. I --

1 THE WITNESS: -- gravity it has.

2 MR. HINDS: -- I must have a reference of, is it
3 your testimony. I don't beleive there's been any testimony on
4 balloons. Did I --

5 MS. EDINBURG: I -- I'll -- I'll --

6 MR. HINDS: -- miss something when I was visiting
7 with my client?

8 MS. EDINBURG: -- rephrase (inaudible).

9 THE REFEREE: Let her -- Reverend Bagwell
10 testified --

11 MS. EDINBURG: Okay.

12 THE REFEREE: -- with regards to the dangerousness
13 of balloons.

14 MS. EDINBURG: I'll -- I'll ask him another way.

15 THE REFEREE: And I'm not entirely sure that this
16 is appropriate cross examination, counsel.

17 MS. EDINBURG: Well, it goes --

18 THE REFEREE: Since he didn't testify about
19 balloons (inaudible).

20 Q (By Ms. Edinburg) Mr. -- let me ask you this way.
21 Is there anything in your church's teachings or in your
22 religious belief that would -- evidence that a balloon is a
23 dangerous object for a child?

24 A I don't recall anything in our doctrinal creeds on
25 the issue.

1 MR. HINDS: We'll stipulate to that, Your Honor.

2 Q (By Ms. Edinburg) Has Mr. Wilfred been appointed
3 a saint or received what's known as saint's status from your
4 church?

5 A We don't have a saint's status in our church.

6 Q Well, it's (inaudible) --

7 A We categorize all people that are saved as -- in
8 a -- in a terminology as saints of God.

9 Q So is Mr. Wilfred --

10 A It's -- it's people that are saved and love God.

11 Q So Mr. Wilfred is one of those, quote, saved
12 people?

13 A I guess God being the final judge of that would be
14 the only judge to that, but in my perception, yes.

15 Q So is it appropriate, then, for him to tell his
16 wife that he is now a saint and he should be called Saint
17 Harmon? Is that appropriate in the followings of your
18 church?

19 A That has never been a teaching of our church.

20 Q Do all your members that have been saved call
21 themselves saints?

22 A No.

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

24 MR. HINDS: We thank you, Reverend, for being here.
25 I have no further questions.

1 THE REFEREE: Ms. Dycus?

2 MS. DYCUS: I have no questions.

3 THE REFEREE: And you have no redirect, is that
4 correct?

5 MR. HINDS: I'll have no redirect.

6 THE REFEREE: (inaudible)

7 MR. HINDS: (inaudible) Reverend is going to be
8 on vacation the next time so I assume he (inaudible) --

9 THE REFEREE: Have a good vacation, Mr. Bagwell.

10 MR. HINDS: Thank you (inaudible). Thank you
11 (inaudible).

12 THE REFEREE: Counsel --

13 MR. HINDS: Are there other witnesses to --

14 (WHEREUPON, the proceedings hereinafter recorded
15 on this date were previously transcribed.)
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C E R T I F I C A T E

I certify that I transcribed this record from that
tape recording of the above-entitled matter which was heard on
June 15, 1989.

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

Signed this 21st day of January, 1991, at Denver,
Colorado.

Susan Childs

Susan Childs