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DISTRICT COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO

Case No. 89DR477, Division 10

REPORTER'S TRANSCRIPT

In re the Marriage of:

SANDRA WILFRED,

Petitioner,

and

HARMON WILFRED,

Respondent.

The above-entitled matter commenced on Tuesday,
May 8, 1990, before the HONORABLE JOYCE S. STEINHARDT,
District Court Judge.

A P P E A R A N C E S

FOR THE PETITIONER: Elaine Edinburg

FOR THE RESPONDENT: Harmon Wilfred

GUARDIAN AD LITEM: Susan Dycus

1 MORNING SESSION, TUESDAY, MAY 8, 1990

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

4 THE COURT: This is Wilfred.

5 MS. EDINBURG: Good morning, Elaine Edinburg,
6 attorney of record. I appear this morning with the
7 Petitioner, Sandra Wilfred, who is about to be seated at
8 Counsel's table. Your Honor, if I may approach the bench,
9 I'll tender to the Court, the Petitioner' original trial
10 data certificate, a copy of which has been provided to
11 Mr. Wilfed and Ms. Dycus.

12 THE COURT: Sir?

13 MR. WILFRED: Good morning, Your Honor. Harmon
14 Wilfred, Respondent. I'm not represented by an attorney.
15 I have given a Motion for Continuance covering the reason
16 behind that possible continuance.

17 MS. DYCUS: Good morning, Your Honor. Susan
18 Dycus, 13721, appearing as the Guardian ad Litem for the
19 minor child.

20 THE COURT: Ms. Edinburg, do you want to argue
21 the Motion for Continuance?

22 MS. EDINBURG: Sure, I'll be happy to. I just
23 received it a few minutes ago. I was given a copy as the
24 Court came into session.

25 Your Honor, this case was initially filed by

1 Mrs. Wilfred on March 3, 1989. At that time, Mr. Wilfred
2 was served with divorce papers, he wrote a letter to me and
3 Mrs. Wilfred indicating that he was going to be representing
4 himself. Subsequently, he hired Mr. Steve Segall who filed
5 a motion to set a restraining order aside. We had a
6 three-hour hearing before Your Honor on May 10th. Mr.
7 Wilfred, at that time, was asking for the Court to dismiss
8 the restraining order allowing him access to his child.

9 The Court, during that hearing, appointed Ms.
10 Dycus. After that hearing, Mr. Wilfred hired Mary Kelly,
11 and shortly after Ms. Kelly was on the case, approximately
12 two weeks after that, she was terminated, and Mr. Wilfred
13 hired the services of Mr. Robert Hinds and Mr. Fred Epstein
14 as Co-Counsel on the case. We had a temporary orders
15 hearing schedule last June before the Honorable Virginia Ware.
16 I believe we began the hearing on approximately June 13th.
17 Then, I believe July 7th, the day before the temporary orders
18 were to be concluded, Mr. Wilfred filed Chapter 11 which
19 stalled the whole proceeding.

20 Since that time, Mrs. Wilfred has had to hire the
21 services of a bankruptcy attorney to contest the bankruptcy
22 filing and certain other things. Mr. Wilfred had a
23 \$125,000 check that he received as a commission that he had
24 not disclosed to us in the divorce case or the bankruptcy
25 court at the time of the filing. The bankruptcy court ordered

1 the \$125,000 check be paid into the bankruptcy registry,
2 and at that point in time, we were stalled from proceeding
3 with the divorce case.

4 Your Honor, we had a hearing before you in a
5 telephone conference concerning Mr. Robert Hinds and
6 myself on August 23rd regarding my motion to compel, and
7 the Court ordered this case set for hearing. You granted
8 the order to compel the discovery requests that were
9 initially served on Mr. Wilfred on March 3, 1989. And to
10 date, we've never received any discovery from Mr. Wilfred.
11 Mr. Hinds filed a motion to withdraw and was granted that
12 request by the Court on February 15, 1990.

13 MR. Epstein's office filed a motion to withdraw
14 on April 12, 1990. Mr. Wilfred has, after I filed an
15 emergency motion when he filed a notice with the bankruptcy
16 court on February 20th, that he was going to dismiss the
17 Chapter 11; that he had worked everything out with the
18 creditors. He was going to dismiss the Chapter 11. We
19 are very concerned about the \$75,000 in the bankruptcy
20 court registry, so we filed an emergency motion before
21 Your Honor. In February, Mr. Wilfred was represented by
22 two attorneys, a bankruptcy attorney, F. Joseph Rosania
23 and Mr. Richard Morre from Mr. Epstein's office.

24 This Court ordered that the \$75,000, upon the
25 dismissal of the Chapter 11, would be placed with this

1 Court's registry so you could just dispose of it on June 5th
2 and 6th on permanent orders. Mr. Wilfred, at the eleventh
3 hour after your ruling, decided to dismiss the Chapter 11
4 and to convert it to a Chapter 7 so that everything is still
5 tied up in the bankruptcy court. Mr. Wilfred knows exactly
6 what he's doing, Your Honor. This trial date has been set
7 since October 1989.

8 The withdrawal of Mr. Hinds and Mr. Epstein's
9 office was inevitable, Your Honor. Mr. Wilfred has managed
10 not to pay attorneys and yet is asking them to do work.
11 Mr. Fred Epstein has been the fourth lawyer including
12 Mr. Moore from Mr. Epstein's office, and Your Honor, at this
13 point in time, the Petitioner would strenuously oppose any
14 continuance in this case. There is a minor child in this
15 case.

16 THE COURT: How is the bankruptcy going to effect
17 the division of property if I go ahead with this? Are
18 they going to release this Court?

19 MS. EDINBURG: Your Honor, it's my understanding,
20 and I've attached to my motion for forthwith hearing
21 regarding the \$75,000 an order allowing us from the
22 bankruptcy court, it was an order for relief from stay. We
23 had to file a bankruptcy petition asking the bankruptcy
24 court to allow us to proceed with this divorce. I think
25 that, I believe, that order was signed by Judge Brooks

1 with a stay expiring December 31, 1989. We have a bankruptcy
2 attorney when she gets another order from the bankruptcy
3 court if that's necessary. There is custody, visitation,
4 child support and alimony issues that are critical. I think
5 that this Court can certainly proceed on those issues.
6 If the Court wants some clarification regarding the
7 bankruptcy, I'd be happy to do that. I'd hate to lose our
8 two day trial setting that we've waited for several months
9 to have before Your Honor.

10 THE COURT: Mr. Wilfred?

11 MR. WILFRED: Your Honor, if it please the Court.
12 I'm not an attorney. I cannot possibly stand her and
13 represent myself in any way. Ms. Edinburg is very
14 professional, very good at what she does. I don't want to
15 put myself to any disadvantage. I prefer to not make any
16 comments until I can get legal representation.

17 THE COURT: Well, you may end up trying this case
18 without legal representation, Mr. Wilfred.

19 MR. WILFRED: Yes.

20 THE COURT: Is there anything you want to say about
21 the continuance? You'd better say it now.

22 MR. WILFRED: Well, Your Honor, I believe I'm
23 right in this case. I don't know anything else to say
24 except the right to continue to prove that I'm right. I
25 can't do that without legal counsel, and do it properly.

1 I don't have the money at this time to hire legal counsel.
2 I don't know what else to say, Your Honor, except I'm at
3 the mercy of the Court at this point.

4 THE COURT: Ms. Dycus?

5 MS. DYCUS: Your Honor, I would object to a
6 continuance at this time. Concerning any of the issues
7 touching on the child, I don't consider this a very timely
8 motion, and in addition, Your Honor, there will be evidence
9 presented at permanent orders that at least as recently as
10 a couple weeks ago, Mr. Wilfred was almost excited about
11 representing himself here and was very anxious to do that.
12 I don't understand what the change is.

13 We've had a long, long delay in this, and I said,
14 I think we need to get permanent orders done with and all
15 issues concerning the child. I don't take a position on
16 the property issues.

17 MS. EDINBURG: Your Honor?

18 THE COURT: Uh-hum.

19 MS. EDINBURG: May I approach the bench. I have
20 a copy. It's attached to my motion. It's the order from
21 the Chapter 11 permitting Sandra Wilfred to proceed to
22 final judgment for dissolution of marriage, if that would
23 be helpful to the Court to see. I know the file is thick.

24 THE COURT: It's probably in there. All right.
25 Motion for Continuance will be denied. The matter will go

1 forward. What are the issues, Ms. Edinburg?

2 MS. EDINBURG: Well, Your Honor, it's a little
3 difficult. It's our understanding -- I don't know because
4 Mr. Wilfred won't speak with me. Custody may still be an
5 issue. We believe that custody is probably not a major
6 issue at this time. Mrs. Wilfred has had sole temporary
7 custody and been cooperating with the Guardian ad Litem
8 regarding supervised visitation.

9 Judge, when we had our hearing before you on
10 May 10th, you ordered all visitation was going to continue
11 to be supervised. Referee Ware did not alter that finding.
12 I think the issues would be more supervised visitation
13 continuing versus custody.

14 THE COURT: Well, why are they supervised?

15 MS. EDINBURG: Your Honor, during the hearing we
16 had before Your Honor, Mrs. Wilfred testified that Mr. Wilfred
17 had told her that he received a message from God that he was
18 to take possession of his child. There were allegations
19 that Mr. Wilfred was going to probably leave the country
20 and perhaps start a church movement in Mexico. Mr. Wilfred
21 had some pretty bizarre religious activities that included
22 several hours at a time being in a trance and believed that
23 he received direct messages from Jesus and a prophet that
24 had made him -- I'm trying to remember the name he was
25 praying with. He was a prophet himself. He had a mission

1 here to take possession of his child. His behavior with
2 the child had been pretty bizarre. He has not spent any
3 significant time. This was an adopted baby. Mrs. Wilfred
4 had spent most of her time caring for this child. The
5 visitation since then has been supervised over at Bridge's.
6 Then subsequently, Ms. Dycus made arrangements with a
7 gentleman that Mr. Wilfred had hired to supervise the
8 visitation.

9 It's my understanding that I've gotten this
10 information from my client that all of the people think
11 that visitation needs to continue to be supervised. Mr.
12 Wilfred continues to overstimulate the child into things
13 that are not in the child's best interest.

14 The other thing is that financially, Mr. Wilfred
15 has been paying the petitioner \$1750 pursuant to an agree-
16 ment that was reached July 7th with Mr. Hinds and myself.
17 We believe that the evidence will show that during the
18 marriage, Mr. Wilfred earned in excess of ten to \$20,000 a
19 month. Shortly before the filing of this case, we had
20 traced approximately fifty or \$60,000 that Mr. Wilfred had
21 taken out of two accounts from two major shopping centers
22 he was managing, the Promenaude and Regatta. We believe
23 the amount of child support and alimony that Mr. Wilfred
24 has to pay -- he has more than sufficient assets and resources
25 to pay significantly higher funds.

1 In addition, as I've stated in my trial data
2 certificate, we've not received any of the discovery that
3 was requested that were served on Mr. Wilfred March 23, 1989.
4 We don't know the state of this business.

5 THE COURT: That's why I assume you want to go
6 forward?

7 MS. EDINBURG: Well, my client needs to get this
8 done. We don't know. We'll do the best job we can to get
9 Mrs. Wilfred's property settled and alimony and child
10 support awarded that will satisfy whatever her current
11 needs are, but Mr. Wilfred has made such a nightmare about
12 this. It's only getting worse. It's taken us a year to
13 undue and trace what has going on and money is being lost
14 daily. That's why we can't wait any longer.

15 THE COURT: Is all the property in bankruptcy
16 court? Could you go through that?

17 MS. EDINBURG: Well, in the process of deciding
18 what to do, some of the bankruptcy property and some of
19 the property is not in bankruptcy court. Mr. Wilfred has
20 filed a Chapter 7, converted to a Chapter 11. Personally,
21 we've got people working now to figure out the status of
22 the Regatta and Promenaude. We think they have been taken
23 by the lender. He's got all the information on all these
24 businesses. I was hoping that the Court was going to order
25 that within five days to complete this discovery request

1 that I can be ready for the June 5th hearing. That was my
2 request of the Court or preclude him from entering any
3 evidence at this time. I think that's one of the sanctions,
4 you have the power to do given the Motion to Compel was
5 granted by you. It's not sanction for failure to comply
6 with discovery request, and I think Mr. Wilfred certainly
7 understands that.

8 I might just also advise the Court that Mr. Wilfred
9 has filed two or three separate actions against my client
10 independently in the bankruptcy. He has been representing
11 himself just fine in both of those.

12 THE COURT: What kind of actions?

13 MS. EDINBURG: One was to sue her for conspiracy,
14 and was the board of directors that she was on in one of
15 his companies. One was an action so that he could take her
16 deposition and harass her through the bankruptcy court.

17 THE COURT: All right. Mr. Wilfred, I'd like to
18 know about this non-disclosure, please.

19 MR. WILFRED: Your Honor, I'm not sure I under-
20 stand.

21 THE COURT: Well, there's a Motion to Compel filed
22 a year ago. The Motion was granted. That meant that you
23 were to deliver to Ms. Edinburg the items and the information
24 that she wanted. Where is it?

25 MR. WILFRED: Your Honor, I have delivered

1 everything through the bankruptcy court that I have. There
2 are no assets outside of the Chapter 11 and the Chapter 7.
3 They had continue to accuse me of hiding assets, and
4 fraudulent actions which just aren't true, Your Honor.
5 They're just not true, and I need the ability to defend
6 myself on those things, even the action I filed. Again,
7 my wife was to bring out the truth, Your Honor. I'm only
8 here to bring out the truth right here. There are a lot
9 of lies being told about me. I have no ability to defend
10 myself against those, not without an attorney. Yes, I
11 filed those things against my wife because I had no money
12 to get an attorney to do those things that I've done.

13 The only thing, Your Honor, that I know how to do
14 is to continue some kind of defense of what's happening
15 which is wrong, and what they're accusing me of is not true,
16 but I don't know any other way to defendy myself except
17 wait until I get the funds to continue.

18 THE COURT: Do you understand I have already
19 ruled on the Motion for Continuance?

20 MR. WILFRED: Yes, Your Honor.

21 THE COURT: I'm not going to reconsider that.

22 MR. WILFRED: Yes, Your Honor, I understand.

23 THE COURT: After the hearing when I ordered the
24 funds were to be placed in the registry of the court, why
25 did you change your filing in bankruptcy court?

1 MR. WILFRED: Your Honor, I have fought this for
2 months and months and months. I ran out of funds to continue
3 even dealing with the bankruptcy, and I've got a building
4 right now that's coming up that the tenants -- literally a
5 30,000 square foot building -- the tenants have already
6 sent me a notice recently that they're not going to continue
7 the lease. I have a \$2.9 million loan, and I finally through
8 up my hands finding out there's no use to fight this with
9 \$75,000 that \$2.9 million plus over \$300,000 in other
10 current debts. I had no hope, Your Honor.

11 THE COURT: Mr. Wilfred is to supply everything
12 that he has supplied the bankruptcy court directly to
13 Ms. Edinburg.

14 MR. WILFRED: Yes, Your Honor, I'll be happy to.

15 THE COURT: I want that done within five days.

16 MR. WILFRED: I'll be happy to do that.

17 THE COURT: Plus up-to-date financial affidavits
18 plus records of any bank accounts that you presently have.

19 MR. WILFRED: Your Honor, I believe the bankruptcy
20 court has all those things that you just mentioned. I've
21 given everything to the bankruptcy court. I have nothing.

22 THE COURT: I want an affidavit with respect to
23 financial affairs. I want attached to it copys of your
24 current bank statement.

25 MR. WILFRED: Okay.

1 THE COURT: Which the bankruptcy court couldn't
2 possible have.

3 MR. WILFRED: Yes, Your Honor.

4 THE COURT: I want you to determine whether there
5 is indeed a custody issue in this case.

6 MR. WILFRED: You want me to determine that?

7 THE COURT: That's correct. Are you fighting
8 custody as of today?

9 MR. WILFRED: Yes, Ma'am, you bet I am. Yes, Ma'am,
10 Your Honor.

11 THE COURT: What is your position regarding
12 visitation? What is your position?

13 MR. WILFRED: Was that a question?

14 THE COURT: That was a question.

15 MR. WILFRED: Your Honor, visitation -- Ms.
16 Edinburg has stated that there has been unusual behavior.
17 There has been no such thing. The visitation right now,
18 in my opinion, there's totally no need for supervision. My
19 son and I get along just fine. There's been no altercation.
20 There have been no difficulties between my wife and I over
21 visitation that I'm aware of. She certainly has not expressed
22 any. We have dealt with this directly through the supervisor.
23 I paid the child support every month. I paid the supervisor
24 every month. I don't understand why I'm being accused of
25 anything at this time. With regard to custody and the

1 supervision with my son, what Ms. Edinburg has said is just
2 not true.

3 THE COURT: I'd like a visitation to occur at
4 Bridge's within the next month prior to the June 5th hearing.
5 I would like a report from the workers there. Mr. Wilfred,
6 when you represent yourself, that means you have the same
7 duty to go forward as if there was an attorney in this case.
8 I regularly order settlement conferences in these matters,
9 and I will do the same now.

10 You are ordered to get together with Ms. Edinburg
11 and Ms. Dycus and your wife in a mutual office if you are
12 comfortable with Ms. Edinburg's office. It could be right
13 here in the courthouse. That should be done prior to
14 May 30th in an effort to settle all matter. In order to do
15 that, you need to be prepared to be candid and see if you
16 can work out a settlement agreement as to custody,
17 visitation and the support issues.

18 MR. WILFRED: Yes, Your Honor.

19 THE COURT: As well as any property issues.

20 MR. WILFRED: Yes, Your Honor.

21 THE COURT: I want your financial affidavit and
22 all bankruptcy things delivered within five days.

23 MR. WILFRED: Okay.

24 THE COURT: If you are planning to bring in any
25 witnesses, you are to notify Ms. Edinburg of the names and

1 address of those witnesses within five days of today.

2 MR. WILFRED: All right.

3 THE COURT: That means their names, addresses,
4 phone numbers with a little sentence about what it is you're
5 planning to have them testify about. Anything that you do
6 agree to, should be reduced to writing and signed by the
7 parties, and Ms. Edinburg will prepare a pretrial order which
8 is due the morning of trial.

9 MR. WILFRED: Yes, Your Honor.

10 THE COURT: Anything else I need to take of today?

11 MS. DYCUS: Your Honor, I would have one request
12 at this time, and that is that the Court rule that my fees
13 are in the nature of child support for the purpose of the
14 bankruptcy.

15 THE COURT: I don't have any problem with that,
16 Ms. Dycus.

17 MS. DYCUS: Thank you, Your Honor.

18 MS. EDINBURG: Your Honor, I wonder if the Court
19 would consider, we have disclosed some of the witnesses and
20 asked that we have until ten days before trial to endorse
21 any of the witnesses that Mr. Wilfred plans on doing any
22 kind of contact with our witnesses because of the sensitive
23 nature, that I be involved in any of those, if it's a
24 deposition or communication because I'd hate to have any
25 harassment of any witnesses.

1 THE COURT: All right. That's fine. Okay.
2 Anything else?

3 MR. WILFRED: Your Honor, Counsel for my wife
4 continues to accuse me of unusual behavior, and I challenge
5 Counsel to come up with any evidence whatsoever that my
6 behavior has been such that it's been threatening to my
7 child or my wife. From the beginning -- from the very
8 beginning of this case, there's been no evidence that's
9 been produced. It's all been hearsay. It's my wife talking
10 about these things.

11 THE COURT: These things are going to have to be
12 tried. I'll hear the evidence, Mr. Wilfred.

13 MR. WILFRED: Yes, Your Honor, that's just not
14 true, and there's been no evidence.

15 THE COURT: All right. Anything else?

16 MS. EDINBURG: No.

17 THE COURT: Thank you.

18 MS. EDINBURG: Thank you.

19 MS. DYCUS: Thank you, Your Honor.

20 (Whereupon, the Court adjourned this matter at
21 9:11 a.m.)

22 THE COURT: We're back on the record with Wilfred.

23 MS. EDINBURG: Elaine Edinburg appearing, Your
24 Honor. We went out and intended to set a date with Mr.
25 Wilfred for a settlement conference as the Court had advised

1 Mr. Wilfred, Ms. Dycus and myself. Mr. Wilfred said he
2 would stop at nothing until he had custody. Apparently
3 any ruling you make or anyone makes, Mr. Wilfred indicates
4 that unless he gets custody of this child, there's no
5 negotiations. There's nothing that he would settle.

6 It appears to Ms. Dycus and myself that it's silly
7 for us to waste any time because custody is not a negotiable
8 issue regarding this child. So, if the Court still wants
9 us to meet with him, we'll do that, but we think it won't
10 be productive to do so.

11 THE COURT: Mr. Wilfred?

12 MR. WILFRED: Your Honor, Ms. Edinburg has a
13 wonderful way with words to make things sound like I'm
14 somewhat cocky. What I said was that, yes, I would appeal
15 this. I beg the Court, Your Honor, to give me the
16 opportunity to be represented by an attorney. I'm not an
17 attorney. I couldn't do things like Ms. Edinburg can do.
18 I don't know what else to do but I do know, I'm right, and
19 I will not settle anything less than having custody with my
20 son.

21 I don't believe the Court can even force me to do
22 that. I beg your forgiveness for that. I don't want to
23 be cocky. I just want to express that's what is in my
24 heart and that's where I must stand.

25 THE COURT: All right. I will vacate the order

1 for settlement negotiations.

2 MS. EDINBURG: Your Honor, at this time, myself
3 -- Ms. Dycus can speak to this. I'm very concerned about
4 the visits that are currently being supervised by a
5 gentleman Mr. Wilfred has hired at his home. I'm getting
6 more and more concerned about the possibility of a snatch,
7 and initially had the visits at Bridge's where there was
8 security. I'm wondering whether we need to reinstate
9 secured visitation back at Bridge's until the June 5th
10 hearing. Ms. Dycus has a lot more information than I do.

11 MR. WILFRED: Your Honor, there has never been
12 any reason for concern. I have never had the opportunity to
13 show that it's not true. I was shocked and surprised that
14 today. We came into that first hearing, and my wife
15 accused me of that. I have never said that to anyone. I
16 never communicated it to anyone. I never had that intention.
17 I live here in Colorado. I like it here in Colorado. I
18 would never hurt my sone by removing him from his mother
19 that way.

20 I've been considerate during this whole time, and,
21 in fact, I came in with the possibility this morning in my
22 mind to discuss with Susan Dycus the opportunity to not have
23 supervised visitation from here forward. I don't understand
24 where the momentum of this is going. I haven't done
25 anything. There's no reason for that.

1 I keep hearing things being construed and
2 interpreted in ways certainly that Ms. Edinburg is good at
3 doing. She's a good attorney. I don't have an attorney
4 right now. I don't believe in doing things like that. I
5 believe in speaking the truth, Your Honor, and I want to
6 continue on with the truth. I don't know how to deal with
7 this. I don't know how to defend myself against these things.

8 THE COURT: Ms. Dycus?

9 MS. DYCUS: I think Mr. Wilfred has demonstrated
10 one of the biggest problems just now that he cannot see
11 that there is a problem here. Mr. Wilfred is a very
12 religious man, but that may even go overboard. The concern
13 that I have is that he has made it clear that he does
14 feel that he has a direct relationship with God and receives
15 messages from God, and my fear is that if God were to tell
16 him to take this child, nothing would stop him.

17 Even without that, he has made statements today
18 that he will stop at nothing. He's already indicated that
19 he will appeal this Court's order if he's not granted sole
20 custody. Heaven forbid what he might do if he is granted
21 only supervised visitation. I have a real concern, Your
22 Honor, about a snatching.

23 Quite separate from that, I have a very real
24 concern about overstimulation of the child. Mr. Wilfred has
25 certainly not assaulted the child. There has been no

1 physical abuse to this child, but his interaction with the
2 child has been consistently inappropriate, very very
3 overstimulating. He has --

4 THE COURT: How old is this child?

5 MS. DYCUS: Three years old.

6 MS. EDINBURG: Two and a half.

7 MS. DYCUS: He has no recognition at all of this
8 problem even though the visitation supervisor has attempted
9 to point it out to him. It's a problem he doesn't see.
10 There's a problem that's been told to him. Now, that not
11 only demonstrates the supervision should continue, but that
12 my recommendation will be for sole custody to the mother.
13 I do have a concern he may feel desparate. His actions now
14 may change from a statement to action.

15 MR. WILFRED: Your Honor, it seems to me what this
16 is based on, I do respect Susan Dycus. The fact that I hear
17 messages from God, I pray. Certainly we all pray, and we
18 see what we believe God wants us to do, and certainly in
19 that small still voice, I don't believe my religion should
20 have anything to do with this. I've never displayed any
21 behavior in my religion that would even come close to
22 threatening my child or my wife.

23 As for the overstimulation of the child, I heard
24 that maybe once casually. It's never been expressed to me
25 that I have overstimulated my son. We play together. We

1 do things together that any father and son would do. If
2 someone would say, "You're overstimulating the child," I'd
3 say, "Okay. We'll sit down and talk about it."

4 I'm a very reasonable man. If I thought anybody
5 told me that I was doing anything to my son to harm him,
6 I certainly hope I would be open-minded about that. This is
7 the first I've heard that I'm doing damage to my child from
8 anyone due to overstimulation. Again, I don't understand
9 why I'm not hearing these things.

10 Finally, this is based on whether or not I can
11 hear from God, they fear there is a threat that I'm going to
12 snatch my son. There is certainly nothing in the Bible that
13 has anything to do with snatching your son, removing him
14 from the mother and disrupting the family. I don't buy
15 that. That's not my belief. Whether or not I hear from
16 God is nobody's business at any point in time. It's my
17 own religious belief.

18 THE COURT: Mr. Wilfred, in your original pleading
19 to the Court, you said that you would be very happy to give
20 sole custody to your wife, and without advanced notice,
21 you've done a complete turnaround. Do you want to tell me
22 about that?

23 MR. WILFRED: Your Honor, at that time, I was really
24 looking at the possibility of restoring my marriage. I
25 felt that the only way my marriage would be restored was to,

1 I guess you should say, surrender. It was to try to help my
2 wife to understand that I didn't want to oppose her, and if
3 there was any possibility of my marriage being retored, it
4 was to do such a thing, and I wrote in that letter in the
5 hopes that she would see that -- see that, at least, I was
6 willing to go along with what she had to say and continue,
7 at least, a conversation with me even if a divorce occurred;
8 that we could possibly get back together at a later date.

9 The action that was taken after I wrote that letter,
10 the subsequent phone call I made to Elaine Edinburg's demand
11 for the outragenous amount of money and being incredibly
12 rude to me, led me to believe that efforts were hopeless.
13 I need to get myself an attorney. In a sense, what I
14 thought was somewhat foolish and a belief that it was
15 possible to do that, but I had to try.

16 THE COURT: Well, it's now May 8th. We have a
17 hearing two -- three -- four weeks away. I don't think I
18 can do the kind of evaluation that's necessary in four weeks.
19 I really think that before I can do anything, I'd like to
20 have a supervised visitation with someone that would give
21 me an unbiased report of the interaction, if you will.

22 MS. EDINBURG: Your Honor, I believe the person
23 who is currently doing the evaluation is Dave Campbell who
24 was hired by Mr. Wilfred, who is a psychological evaluator.

25 MR. WILFRED: No, Your Honor, I disagree. He's

1 not a professional. He has nothing to do with psychological
2 evaluations, and I would also say that I would submit myself
3 to Your Honor for a complete psychiatric evaluation as we
4 start this. I would be happy to submit to those folks
5 because what I got back from them was everything was fine.
6 If you wish, Your Honor, I will submit myself to any battery
7 of psychological evaluation with or without my son, in the
8 presence of anyone that you will specify.

9 MS. DYCUS: Your Honor, I'd like to advise the
10 Court that the current visitation supervisor has a Bachelor's
11 Degree in Psychology and a Master's in Inner-Personal
12 Communication Processes which dealt with specifically with
13 various types of psychotherapy. He is currently a Seminary
14 student, and I believe he's uniquely qualified by his
15 entire background to advise the Court on how these visitations
16 have been going, how the interaction goes as well as
17 Mr. Harmon's (sic) religious beliefs, and whether these are
18 things which square with not even mainstream religion but
19 the more fundamentalists or more evangelical Christian faith.
20 I would be asking the Court to qualify Mr. Campbell as an
21 expert.

22 THE COURT: All right. Then I'll leave the
23 original order. There should be at least one visitation
24 at Bridge's with a report or testimony from that party.
25 Visitation is being supervised now. I'm not sure where you

1 want it?

2 MS. EDINBURG: I'm just wondering, Your Honor.
3 They are in his home which offers no security. I don't
4 know. I'm getting more concerned. My client is getting
5 more concerned. I believe Ms. Dycus is getting more con-
6 cerned.

7 THE COURT: Well, on a temporary basis, you can
8 have all visitation at Bridge's or Children's just for the
9 next three weeks.

10 MS. EDINBURG: I think that would clearly be in
11 the child's best interest, Your Honor.

12 MR. WILFRED: Your Honor, if I may, I could not
13 afford that at this time. I can barely afford the child
14 support and the supervision that we have right now. I will
15 have to terminate visitation at this point in time if I
16 have to do that. You can order me to do that, I know, but
17 I can't pay for it. I don't have the money.

18 THE COURT: I don't know about the finances of
19 the parties other than he is paying \$1700 a month.

20 MS. EDINBURG: Your Honor, he gave Mr. Rosania a
21 \$10,000 retainer. He paid Mr. Epstein and Mr. Hinds, when
22 he hired both of them to fight for him in this case, he
23 paid Mr. Segall a retainer. He paid Ms. Kelly. He has
24 access to \$50,000 out of the bankruptcy court, but there
25 were thousands and thousands of dollars we found last

1 January and February.

2 MR. WILFRED: Your Honor, it's all gone. There
3 weren't thousands and thousands of dollars. It's all gone.
4 I just filed Chapter 7. I'm broke short of a couple of
5 corporations as a partner.

6 THE COURT: How often does he visit?

7 MS. EDINBURG: Three times a week.

8 THE COURT: Three times a week?

9 MS. EDINBURG: Yes.

10 THE COURT: I'm not going to cut back on visitation
11 without a hearing.

12 MS. EDINBURG: I understand.

13 THE COURT: I can't do that.

14 MS. DYCUS: Your Honor, I don't know whether this
15 input will help, but I've seen no evidence in the time that
16 I've been involved in this case of any reduction in the
17 lifestyle by Mr. Wilfred. There are some other areas where
18 I'm sure he can cut, including the very expensive car that
19 he drives. Even if that's a lease, there is still a great
20 expense. It's professionally maintained. It's cleaned
21 once a week.

22 MR. WILFRED: That's not true.

23 MS. DYCUS: He may have to make some different
24 choices, but I do think the money is available.

25 MR. WILFRED: Your Honor, I can only produce that

1 affidavit to show you that's not true.

2 THE COURT: How much do you pay Mr. Campbell for
3 his visitation?

4 MR. WILFRED: Three hundred sixty dollars a
5 month. That's a lot.

6 THE COURT: There's no reason why you can't pay it
7 to Children's Hospital. They're not going to charge you
8 any differently.

9 MR. WILFRED: You mean that's in place of
10 Mr. Campbell?

11 THE COURT: That's just for the next month until
12 the next hearing.

13 MR. WILFRED: My understanding when I went to
14 Bridge's or Children's Hospital, the cost is approximately
15 eight to \$900 a month. That's what I paid when I was doing
16 the visitation at Bridge's when this whole case began. I'm
17 not sure that I can get it for \$360 a month for the kind of
18 visitation that you had ordered.

19 MS. DYCUS: Your Honor, that's probably true.
20 We're talking about nine hours per week. I believe their
21 hourly rate is about \$40 an hour -- maybe thirty.

22 MR. WILFRED: I'm paying Mr. Campbell \$10 an hour
23 which is affordable.

24 THE COURT: Well, all I can say is that we're
25 talking about fear now. Does your client want to share in

1 the expenses for the next three weeks to delay her fears?

2 MS. EDINBURG: She has no money. She's barely
3 making it. She's been trying to work in a day care center
4 earning a little bit. The cost of day care exceeds what
5 she's making. She's really on bear bones and strapped with
6 legal fees and the cost of trying to get this whole thing
7 to come to some finality. She's going into debt. She's
8 looking at the possibility of having to file bankruptcy
9 because of Mr. Wilfred's behavior, what he's doing in terms
10 of forcing his creditors to look to her for money. I don't
11 think she has a penny extra. It's a very difficult
12 situation. You know, I wouldn't be here asking for more
13 strenuous supervision if we didn't really believe that
14 things are getting more serious than it's been for the last
15 year. I'm getting more concerned about Mr. Wilfred's
16 behavior when he says to me that he'll stop at nothing until
17 he has his son. I'm concerned.

18 MR. WILFRED: What I was referring to that
19 Ms. Edinburg makes sound so awful, is that I will take this
20 thing through the end to the highest court until I get the
21 truth on the table. That's not the statement of stopping
22 at nothing. I really regret the fact that I've had to
23 go through these twists and turns and trusting people She
24 makes me sound so horrible. I have every right to go
25 literally to the top court of this nation to deal with what

1 I believe is the truth, and I resent Ms. Edinburg continuing
2 to take these things and twisting them and making me sound
3 awful. I resent that.

4 MS. EDINBURG: Your Honor, Ms. Dycus stood right
5 there. I'm not twisting anything. That's what he said.
6 "I'll stop at nothing."

7 MR. WILFRED: That's what I meant, Your Honor.

8 THE COURT: Well, we can have a hearing on
9 visitation. That's all I can do. I cannot change visitation
10 without a hearing.

11 MS. EDINBURG: Okay.

12 THE COURT: That's what the law says. I have to
13 leave it the way it is or else change the supervisor.
14 Again, we're heading toward a hearing. I need to know what
15 the finances are so I won't feel like I'm boxed in.

16 MS. EDINBURG: I understand. If we need a hearing,
17 it can be a forthwith hearing?

18 THE COURT: That's correct.

19 MS. EDINBURG: Okay. Thank you.

20 THE COURT: And I will vacate the order for a
21 four-way conference.

22 MS. EDINBURG: Thank you.

23 MS. DYCUS: Thank you, Your Honor.

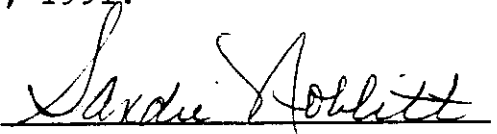
24 MR. WILFRED: Thank you, Your Honor.

25 (Whereupon, the Court adjourned this matter at
9:35 a.m.)

REPORTER'S CERTIFICATE

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2 The above and foregoing is a true and accurate
3 transcription to the best of my ability of my stenotype notes
4 taken in my capacity as the Official Shorthand Reporter,
5 Division 10, Arapahoe County District Court, Englewood,
6 Colorado.

7 Dated this 14th day of May, 1991.

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10 Sandie Noblitt
11 Court Reporter
12 Division 11
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