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 Eugene "Gene" Moore
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1 STATE OF ILLINOIS)
) SS.
 2 COUNTY OF C O O K)

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 4 COUNTY DEPARTMENT - DOMESTIC RELATIONS DIVISION

5 SHEILA MANNIX,)
)
 6 Petitioner,)
)
 7 and) 06-OP-30185
)
 8 DANIEL P. SHEETZ,)
)
 9 Respondent.)

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 11
 12 REPORT OF PROCEEDINGS had at the hearing
 13 of the above-entitled matter, before the
 14 HONORABLE JAMES G. DONEGAN, Judge of said Court,
 15 located at the Richard J. Daley Center, Chicago,
 16 Illinois, on the 2nd day of February, A.D., 2007,
 17 at 10:30 a.m.

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 23 Reported for
 EUNICE SACHS AND ASSOCIATES, by
 24 Beth M. Young, C.S.R.

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A P P E A R A N C E S

PRESENT:

MR. MITCHELL F. ASHER, of the firm of

Law Offices of Mitchell F. Asher
157 North Brockway
Palatine, Illinois 60067

appeared on behalf of the respondent;

MR. DAVID J. WESSEL, of the firm of

Law Offices of Wessel & Doheny
205 West Randolph Street
Suite 1630
Chicago, Illinois 60606

appeared on behalf of the minor child;

MR. JAMES KAISER, of the firm of

Richard J. Nakon & Associates
121 East Liberty Street
Wauconda, Illinois 60084

appeared on behalf of Kevin Sheetz.

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I N D E X

WITNESS: DANIEL SHEETZ

Direct by Mr. Asher

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E X H I B I T I N D E X

No Exhibits Marked.

1 WHEREUPON:

2 * * * * *

3 THE COURT: Identify yourselves, please.

4 MR. ASHER: My name is Mitchell Asher. I
5 represent Daniel Sheetz who is present in court,
6 your Honor.

7 MR. WESSEL: Your Honor, for your record, my
8 name is David Wessel appearing as the child
9 representative on behalf of the minor children.

10 MR. KAISER: Good morning, your Honor. James
11 Kaiser on behalf of Kevin Sheetz.

12 MS. MANNIX: Good morning, your Honor. I'm
13 petitioner, Sheila Mannix, representing myself.

14 We're here today, your Honor, on
15 your order entered December 7th which stated
16 that today is a status report regarding all
17 matters.

18 THE COURT: All right.

19 MR. ASHER: If the Court please.

20 MS. MANNIX: I'm not done.

21 THE COURT: Let her finish.

22 MR. ASHER: Okay.

23 MS. MANNIX: Further, your Honor, due to the
24 extreme situation of my son --

1 Well, first I have to state for
2 the record that I object to these proceedings
3 because I don't believe this Court has
4 jurisdiction since September 29th, 2005 when I
5 filed an Illinois Compiled Statutes, Civil Code
6 of Procedure, Section 1203 motion to vacate the
7 order denying my substitution of judge for cause
8 which remains pending to this day and for which
9 there has been --

10 THE COURT: It's been disposed of.

11 MS. MANNIX: No, it hasn't, sir. There's
12 been an exchange of pleadings. It remains
13 pending to this day. There's currently a
14 mandamus action in front of Judge Arnold which is
15 to be heard on the 5th of February.

16 THE COURT: Mandamus is by the Supreme Court.

17 MS. MANNIX: And further, your Honor, the
18 action that I filed with the Illinois Appellate
19 Court and to the Illinois Supreme Court, I will
20 be filing a writ of certiorari with the U.S.
21 Supreme Court attaching material evidence of your
22 alleged criminal involvement in matters in the
23 Cook County court system, as well as the alleged
24 criminal involvement of Mr. Wessel in same. That

1 will be filed by the due date of February --

2 THE COURT: By the way, there is no stay by
3 any court prohibiting us from going forward.

4 None out there. So unless there is a stay from
5 somebody, we have an absolute right to proceed.

6 MS. MANNIX: Actually, your Honor, thank you
7 for bringing that up. There is a current stay
8 pursuant to Illinois Supreme Court Rule 306(g)
9 regarding all matters of Brian Sperry Sheetz in
10 this case. Currently a appeal is pending before
11 the First District Appellate Court.

12 THE COURT: But there is no stay.

13 MS. MANNIX: Yes. When the First District
14 Appellate Court accepts a petition for leave to
15 appeal, which it did in September, the Supreme
16 Court Rule 306(g) states --

17 THE COURT: No. I want to know if the
18 Appellate Court stayed it.

19 MS. MANNIX: Your Honor, it's an automatic
20 stay pursuant to --

21 THE COURT: Did the Appellate Court stay it?
22 Do you have an order that stays it?

23 MS. MANNIX: Your Honor, may I please respond
24 to your question?

1 THE COURT: Yes.

2 MS. MANNIX: My answer to your question is
3 that that is not necessary because of the
4 automatic stay of 306(g). These are the rules of
5 the Supreme Court of Illinois, your Honor. And I
6 just heard you say the same thing. I can't do
7 anything about them. It's an automatic stay
8 pursuant to 306(g).

9 THE COURT: Next question.

10 MS. MANNIX: So regarding --

11 THE COURT: Next question.

12 MS. MANNIX: I'm sorry. But that was the
13 answer to your question.

14 Regarding all proceedings with
15 Brian Sperry Sheetz, this Court's actions are
16 stayed.

17 THE COURT: All actions?

18 MS. MANNIX: Yes, sir. All actions
19 involving --

20 THE COURT: What was appealed?

21 MS. MANNIX: Excuse me?

22 THE COURT: What was appealed?

23 MS. MANNIX: The order of July 25th, 2006, in
24 which you made a determination of parentage

1 unknown in Illinois law, which would then
2 precluded any actions regarding custody or
3 visitation, evaluations or otherwise.

4 Also, your Honor --

5 THE COURT: So you are saying that it is
6 stayed because the child is not a child of the
7 parties?

8 MS. MANNIX: Your Honor, I'm just telling you
9 what the Supreme Court rules are.

10 THE COURT: I'm not asking what the Supreme
11 Court rules say. There was a prove-up in this
12 case --

13 MS. MANNIX: No, sir.

14 THE COURT: -- a prove-up in this case way
15 back when.

16 MS. MANNIX: No, there wasn't, sir.

17 THE COURT: Will you shut up, please, and let
18 me talk and do not interrupt?

19 MS. MANNIX: Yes, sir.

20 THE COURT: When the judgment came up for
21 divorce -- Are you divorced?

22 MS. MANNIX: Yes, sir.

23 THE COURT: All right. So you were divorced.

24 As a result of the divorce, were there certain

1 findings made within the divorce action as to the
2 number of children born to the marriage?

3 MS. MANNIX: Yes, sir.

4 THE COURT: All right. So there had been a
5 determination, number one, that there is a
6 divorce, and number two, that there was one child
7 born at the time of the divorce.

8 MS. MANNIX: Yes, sir.

9 THE COURT: And one child in conception.

10 MS. MANNIX: No, there wasn't.

11 THE COURT: I'm sorry, but that's what the
12 record seems to show.

13 MS. MANNIX: No, it doesn't, sir.

14 THE COURT: Miss Mannix, I am not going to
15 listen to you anymore.

16 MS. MANNIX: Your Honor --

17 THE COURT: I'm telling you what the story
18 is. The fact is, the Court made a determination
19 that this is a child of the marriage.

20 MS. MANNIX: No, it didn't, your Honor. The
21 fact is that this matter --

22 THE COURT: Miss Mannix, I'm not going to
23 listen to you one more minute. If you continue
24 to interrupt, I'm going to have to remove you

1 from the courtroom.

2 MS. MANNIX: Yes, sir.

3 THE COURT: So we have a single order. So
4 all of these other matters, all of these other
5 matters we're speaking of other than the
6 legitimacy or one of the children being a child
7 of the marriage, are not part of this -- not part
8 of the appeal.

9 MS. MANNIX: May I speak now, sir?

10 THE COURT: No, you may not speak. That's
11 what the Court's finding today.

12 MR. ASHER: Yes, your Honor.

13 THE COURT: So the only matter in the
14 Appellate Court, according to Miss Mannix, is the
15 finding by the Court that child number two is a
16 child of the marriage. That's the only thing
17 that's being appealed.

18 MS. MANNIX: Your Honor, may I speak now?

19 THE COURT: You may.

20 MS. MANNIX: Thank you, sir.

21 Sir, there is a current
22 parentage action for Brian Sperry before Judge
23 Kelly, Calendar 98, at 32 West Randolph. The
24 matter of the parentage action was fully

1 adjudicated in two hearings in front of Judge
2 Waites.

3 THE COURT: Is the child a child of the
4 marriage?

5 MS. MANNIX: Your Honor, that doesn't matter.
6 This matter is in front of another judge.

7 THE COURT: Excuse me. Is this your child?

8 MS. MANNIX: Your Honor, this matter is in
9 front of another judge. It's been adjudicated
10 and I ask you now to recuse yourself for
11 violating the laws of the State of Illinois and
12 Article III of --

13 THE COURT: Miss Mannix, one more question
14 and you're gone. You don't know how to keep
15 quiet.

16 Where are we absent that today?

17 MR. ASHER: Absent that, we have a petition
18 today for an order of protection that was filed
19 this morning and served on Miss Mannix right
20 today, your Honor.

21 MS. MANNIX: Your Honor, actually, the matter
22 that you were looking up in the text book --

23 THE COURT: You are interrupting and I don't
24 know why.

1 MS. MANNIX: Yes, because this is here first.

2 THE COURT: Miss Mannix, you're interrupting.

3 MR. ASHER: I don't know whether it's here
4 first or not, your Honor. We filed this this
5 morning and served a copy on Miss Mannix. And
6 we're asking for an order of protection on behalf
7 of my client, Daniel Sheetz, and two children.

8 THE COURT: I have a question. And in fact,
9 is Miss Mannix represented in this matter by
10 anyone other than herself?

11 MR. ASHER: No.

12 THE COURT: All right. Does an attorney
13 somewhere have an appearance on file or did have
14 an appearance on file on her behalf in these
15 proceedings or proceedings that was consolidated
16 with this proceedings?

17 MR. ASHER: Not at the time. I believe the
18 attorney withdraw, a Mr. Michael Bercos, withdrew
19 in this matter and all the matters that are
20 pending.

21 MS. MANNIX: Your Honor, that's incorrect.

22 THE COURT: If I really want the facts, I'll
23 ask you.

24 MS. MANNIX: Thank you, sir.

1 THE COURT: I'm not asking you right now.
2 I'm asking another officer of the court.

3 MS. MANNIX: So will you ask me when you want
4 to know the facts? I'd appreciate that, sir.

5 THE COURT: Yes.

6 MS. MANNIX: Thank you, sir.

7 THE COURT: No, no. You'll tell me. I don't
8 even have to ask you.

9 MR. ASHER: Mr. Bercos had appeared for Mrs.
10 Mannix and then -- in one of the consolidated
11 cases in Lake County, and then his appearance was
12 withdrawn because he didn't want to appear in
13 this courtroom.

14 THE COURT: All right. So that's where we
15 are now.

16 MR. ASHER: Yes, your Honor.

17 MS. MANNIX: Your Honor, that's inaccurate.
18 May I please correct the record?

19 THE COURT: We're not taking evidence.

20 MS. MANNIX: Your Honor, you said that you
21 don't take evidence from attorneys; you take them
22 from parties. I will go under oath right now to
23 state --

24 THE COURT: You're not on trial.

1 MS. MANNIX: Okay. Well, on your order -- in
2 your order you barred -- you vacated Mr. Bercos's
3 appearance.

4 THE COURT: He withdrew it.

5 MS. MANNIX: No, he didn't. Mr. Bercos never
6 withdrew his appearance. He let Mr. Asher know
7 that he had another matter.

8 THE COURT: I asked him a question. Does he
9 represent you?

10 MS. MANNIX: He represents me in the matter
11 and the matter is being brought up --

12 THE COURT: No, no. In this matter.

13 MS. MANNIX: He represents me in the order of
14 protection that is pending.

15 THE COURT: Is that part of this matter?

16 MS. MANNIX: Sir, may I finish answering the
17 question that you asked me?

18 THE COURT: I want to know if he represents
19 you in this matter that's up today.

20 MS. MANNIX: Yes. May I please answer the
21 question?

22 THE COURT: All right. Then you have
23 representation.

24 MS. MANNIX: May I please --

1 THE COURT: Where is he?

2 MS. MANNIX: I need to answer the question.

3 THE COURT: Where is he? If he has his
4 appearance on file, where is he?

5 MS. MANNIX: You vacated it and he's bringing
6 it up in front of the law division. You
7 illegally vacated it in a void order and he's
8 bringing it up in front of the law division.

9 You consolidated the case with a
10 phone call a week before the hearing date in
11 gross violation of due process. And In Re A.W.
12 states that notice pursuant to the Seventh
13 Circuit Federal Court, that notice and due
14 process are required for an order to be valid.

15 THE COURT: Next question.

16 MS. MANNIX: So, your Honor, the answer is
17 that right now in front of your court is a
18 petition for rule for the respondent violating no
19 contact orders, a second petition for rule for
20 the respondent violating --

21 THE COURT: Hang on. Mr. Asher, is that your
22 petition?

23 MR. ASHER: No, that's not my petition. I've
24 never seen these petitions, your Honor. I've

1 never been served with these petitions she's
2 talking about.

3 MS. MANNIX: You Honor, he's lying again. I
4 have given you courtesy copies. You told me last
5 time that if pending matters -- pursuant to your
6 order of December 7th, all matters are pending up
7 today. I have given you the courtesy copies
8 because you told me that if I was to bring
9 something up I would give them to you.

10 THE COURT: Is this a motion to return the
11 case to Judge --

12 MS. MANNIX: Yes. The first thing is that
13 the case, OP -- I mean -- sorry, your Honor.
14 07-0P-143 was transferred two days ago in a void
15 order because --

16 THE COURT: Excuse me. Void is a conclusion
17 on your behalf.

18 MS. MANNIX: Okay. So in an order that was
19 entered without the attorney Mitchell Asher and
20 without the attorney -- what's -- Charisse Bruno,
21 filing an appearance. So pursuant to local rules
22 and orders, they weren't allowed to step up.

23 THE COURT: Excuse me. Excuse me. The judge
24 did it on his own motion.

1 MS. MANNIX: No. The judge -- the order --
2 if you're saying that, then actually you're
3 corroborating my statements in my petition that
4 there was fraud upon the Court, because the order
5 actually states that there was -- that the
6 respondent's attorney, Charisse Bruno, made an
7 oral motion --

8 THE COURT: Okay. We have it. This motion
9 to return a case to 07-0P-30 to Judge --

10 MS. MANNIX: Yes. Mr. Asher's appearances
11 are in fact exhibits --

12 THE COURT: Excuse me. I cannot -- so that
13 you understand, I cannot overrule Judge Waldeck.
14 The Appellate Court can overrule Judge Waldeck,
15 but I can't.

16 MS. MANNIX: I went to Chief Judge Stark
17 yesterday and he told me --

18 THE COURT: Excuse me. Judge Stark can't
19 overrule them either. Only the Appellate Court
20 can.

21 MS. MANNIX: Judge Stark talked with Judge
22 Waldeck and they said that I have to file this in
23 front of you and that you need to send it back to
24 them so that I can proceed with my 1203 motion

1 pursuant to my legal rights.

2 THE COURT: No, I don't believe that. I
3 don't believe that.

4 MS. MANNIX: That's what his secretary told
5 me.

6 THE COURT: I don't believe that.

7 MS. MANNIX: That he talked to him to tell
8 me.

9 THE COURT: You know what they call that?
10 Hearsay.

11 MS. MANNIX: Your Honor, this is a legal,
12 lawful motion to send this back so that I can
13 proceed with my legal, lawful motion to vacate
14 the transfer. This is the precedence right now
15 with my petition for order of protection.

16 The exhibit that Mr. -- the
17 appearances that Mr. Asher just showed you are in
18 fact Exhibit G of this motion which verifies my
19 point. He showed you his appearances on
20 07-0P-30. This is 07-0P-143. He has just
21 validated the point.

22 There was no attorney of record
23 on my petition for order of protection in Lake
24 County. There was fraud upon the Court when

1 Charisse Bruno in her order stated that on her
2 oral motion --

3 THE COURT: You use that term fraud very
4 loosely without knowing what the definition is.

5 MS. MANNIX: I'm using the definition of the
6 Seventh Circuit, your Honor, which is quoted in
7 my motion on page -- if I may please call your
8 Honor and Mr. Wessel and Mr. Asher and Mr. Kaiser
9 to the motion that I served them this morning,
10 page 23, that the Court has wrongly defined fraud
11 as any conduct calculated to deceive, whether it
12 be by direct falsehood or by innuendo, by speech
13 or silence, by word of mouth, by look or by
14 gesture. Fraud includes the --

15 THE COURT: It's one of the many elements.
16 It's not all of the elements of fraud.

17 MS. MANNIX: Okay.

18 THE COURT: It's one of the many. There are
19 many elements of fraud.

20 MS. MANNIX: Thank you, sir. May I call your
21 attention now to Exhibit A of the motion before
22 you?

23 THE COURT: By the way, the motion is before
24 me. We are going to give you leave to file it or

1 not give you leave to file it. That's all. If
2 you are going to file it, it's not going to be in
3 the form of a motion. It's going to be in the
4 form of a petition.

5 MS. MANNIX: Well, your Honor, right now I'm
6 asking for leave to file it instanter and for
7 relief instanter pursuant to a motion to return
8 to the case.

9 THE COURT: In your capacity as what? As a
10 litigant?

11 MS. MANNIX: Excuse me, sir?

12 THE COURT: As a litigant?

13 MS. MANNIX: I'm the unrepresented petitioner
14 in this matter, sir.

15 THE COURT: That's you.

16 MS. MANNIX: Yes, sir.

17 THE COURT: All right. It's a petition.

18 MS. MANNIX: So, your Honor, I have a motion
19 to return the case to Judge Waldeck instanter. I
20 request that that be done instanter.

21 THE COURT: Excuse me. At any rate --

22 MS. MANNIX: May I please ask that this case
23 be returned to --

24 THE COURT: No. You talk about due process.

1 Now, you are being afforded due process. Due
2 process means they also have a reason to respond.

3 MS. MANNIX: But, your Honor, you've never
4 given me due process of October 14th with Mr.
5 Wessel's motion to dismiss my action to discharge
6 him. You didn't give us due process on --

7 THE COURT: Ma'am, you have not given us a
8 courtesy of a litigant in any of these matters
9 whatsoever.

10 MS. MANNIX: Your Honor, you have never given
11 me due process in critical matters.

12 THE COURT: At any rate, you have a right to
13 file it. They have a right to respond to it.
14 That's simple.

15 MS. MANNIX: Thank you, your Honor. I will
16 file it -- these aren't the originals. I've
17 served everybody in open court and I have the
18 original and I will file it today. Thank you,
19 your Honor.

20 Second, your Honor, you told me
21 that I should bring in the files for you for
22 today. There are two pending petitions for rules
23 to show cause that were lawfully served upon all
24 parties except Mr. Kaiser because he wasn't in

1 the action at that time. One was filed July 18th
2 and one was filed February 15th. Both have been
3 responded to. Both are regarding Mr. Sheetz, the
4 respondent, violating no contact orders and no
5 harassment orders against me and the children.
6 These two matters take precedence.

7 THE COURT: He said that he violated a no
8 contact order by contacting you?

9 MS. MANNIX: Your Honor, there are
10 standing --

11 THE COURT: Excuse me.

12 MS. MANNIX: Yes, sir.

13 THE COURT: He violated --

14 MS. MANNIX: Yes, there are standing no
15 contact and harassment orders.

16 THE COURT: Hold on. You know something? If
17 you keep talking, I am never going to find out
18 what's going on.

19 MS. MANNIX: Yes, sir.

20 THE COURT: There was an order against him in
21 contacting you?

22 MS. MANNIX: Yes, sir.

23 THE COURT: And that's what you're seeking
24 the order of protection for?

1 MS. MANNIX: No. No. I'm seeking a rule to
2 show cause from a year ago, July 2005.

3 THE COURT: Do you want him not to talk to
4 you anymore?

5 MS. MANNIX: I want him held returnable
6 instanter, a rule, to show why he should not be
7 held in contempt of court for violating the no
8 contact, no harassment orders.

9 THE COURT: All right. I want to know, what
10 remedy do you want? If I issue a rule and he
11 said, number one, I never contacted her, he's
12 entitled to a hearing.

13 MS. MANNIX: Well, yes. But pursuant to the
14 two motions that have been pending before your
15 court in excess of 18 and -- one year, 12 months,
16 one remedy is for the Court to enter a rule
17 instanter -- actually, you have the motions if
18 you want to look -- on page six, for the Court to
19 enter a rule returnable instanter requiring the
20 respondent to give cause, if any, why he should
21 not be held in contempt of this Court.

22 THE COURT: And if he is held in contempt of
23 Court, so that I may understand, what are you
24 seeking?

1 MS. MANNIX: I'm seeking a entry of an order
2 of protection which has been pending since
3 September.

4 THE COURT: And what -- you don't want him to
5 talk to you?

6 MS. MANNIX: Your Honor --

7 THE COURT: Excuse me. Is that the relief
8 you are seeking, you don't want him to talk to
9 you?

10 MS. MANNIX: Well, whenever he does talk to
11 me --

12 THE COURT: No, no. I didn't say that. I
13 said is that the remedy you are seeking?

14 MS. MANNIX: I'm seeking for him to stop
15 abusing me pursuant to --

16 THE COURT: No. I didn't say abusing you. I
17 said talking to you. That's all I said.

18 MS. MANNIX: Your Honor, I need to respond to
19 your question.

20 THE COURT: By the way, you said no contact.

21 MS. MANNIX: There is a no contact, no
22 harassment order.

23 THE COURT: Oh, no.

24 MS. MANNIX: It's a no contact, no harassment

1 order that he violated up to and including the
2 morning of January 12th when he sent me an e-mail
3 emotionally battering me and indicating that he's
4 not in touch with reality and continues to pose a
5 threat to the children pursuant to the Court's
6 finding on April 23rd, 2002.

7 Therefore, your Honor, I am now
8 asking that we set for hearing the petition for
9 rule to show cause filed July 18th, 2005 that the
10 respondents have responded to and the petition
11 for rule to show cause filed on February 15th,
12 2006 which the respondent has responded to.

13 THE COURT: There is an order prohibiting him
14 from doing that, talking to you; is that right?

15 MS. MANNIX: And he's --

16 THE COURT: I didn't say that. I said there
17 is. Where is it?

18 MS. MANNIX: There's multiple orders.

19 THE COURT: Where is it?

20 MS. MANNIX: I believe that they are detailed
21 in --

22 THE COURT: Don't tell me the details. I
23 want to see it.

24 MS. MANNIX: No. They are detailed in the

1 motion.

2 THE COURT: I want to see it. So that you
3 understand, I have three banker's boxes full of
4 stuff that you have given me. Every time that
5 you come to court, I'm not going to go through
6 the three banker's boxes finding out documents.
7 I want to know, the original of the order that
8 you are referring to, where is it?

9 MS. MANNIX: Yes, sir. The original of the
10 order pursuant to the Court was entered --

11 THE COURT: I don't want you to -- I want you
12 to show it to me.

13 MS. MANNIX: Your Honor, I don't have a copy
14 right now, but I can run downstairs.

15 THE COURT: Well, that's too bad.

16 MS. MANNIX: We can stay proceedings and run
17 downstairs and I can get one.

18 THE COURT: We can't. What else is up?

19 MS. MANNIX: Excuse me?

20 THE COURT: We can't.

21 MS. MANNIX: Okay. So wait a second. Are
22 you saying that -- may we set these for hearing?

23 THE COURT: I don't know what we're setting
24 for hearing.

1 MS. MANNIX: Your Honor, you're adjudicating
2 the matter because I don't have the order? I've
3 filed the motions. They've been pending for --

4 THE COURT: Miss Mannix, I'm adjudicating
5 this hearing because you are not being rational.

6 MS. MANNIX: What?

7 THE COURT: You are not being rational.

8 MS. MANNIX: Your Honor, I am being rational.

9 THE COURT: I understand that.

10 MS. MANNIX: What orders -- what motions have
11 they filed that have an order attached?

12 THE COURT: I don't answer those questions.

13 MS. MANNIX: Well, your Honor, then you're
14 being prejudicial and I ask you to recuse
15 yourself from this matter for you are violating
16 the Illinois Supreme Court Code of Judicial
17 Conduct.

18 THE COURT: Stop. It's not. There is no
19 allegation in here of any extracurricular
20 conversations with parties. None at all. That
21 is bias and prejudice. Just because I don't know
22 the law doesn't mean I'm biased or prejudiced.

23 MS. MANNIX: Your Honor, that's not what I'm
24 saying.

1 THE COURT: What are you saying?

2 MS. MANNIX: What?

3 THE COURT: Never mind.

4 MS. MANNIX: Your Honor, what are we doing
5 about these, please?

6 MR. ASHER: Your Honor, if the Court please.
7 We have a petition for an order of protection
8 that is of grave matter today and it's an
9 emergency.

10 THE COURT: Leave is granted to file your
11 petition for an OP.

12 MS. MANNIX: Your Honor, I request 14 days to
13 respond.

14 THE COURT: Will you keep quiet until I talk
15 to the lawyers and find out what they want to do?

16 MR. ASHER: We want a hearing today on that
17 emergency petition for OP because it's imperative
18 because we think these children are in danger and
19 are in danger of being taken from the
20 jurisdiction of my client who is present in
21 court.

22 MR. WESSEL: Your Honor, I've received phone
23 calls from the police department and also have
24 had conversations with other professionals --

1 THE COURT: South Barrington?

2 MR. WESSEL: -- individuals that relate to
3 the immediate safety --

4 MR. ASHER: Clariton Hills.

5 THE COURT: Clariton Hills.

6 MR. WESSEL: -- and it relates to the
7 immediate safety of the children. And I also
8 believe that it is important --

9 THE COURT: And what relief are you seeking?

10 MR. WESSEL: Judge, my understanding from
11 looking at their petition, there is an order from
12 March 30th, 2006 that provides in this cause that
13 Sheila Mannix have no contact and no visitation
14 with the minor children until further order of
15 Court and that that would be reviewed at such
16 time as Dr. Gamsey's 604(b) recommendations are
17 available.

18 THE COURT: Okay.

19 MR. WESSEL: My understanding is that the
20 evidence is that Miss Mannix has had ongoing
21 contact with the children in violation of that
22 order and that the Barrington Hills police
23 department in order to be able to enforce it and
24 protect the children require an order of

1 protection. And that is part of what is brought
2 in their motion or their petition for an order of
3 protection.

4 THE COURT: And the relief that she sought
5 before the judge in Lake County earlier this week
6 was what?

7 MR. ASHER: Change of custody.

8 MS. MANNIX: No, it wasn't, your Honor.
9 That's a lie.

10 MR. ASHER: Change of custody and order of
11 protection against my client's alleged harassment
12 of the children.

13 MS. MANNIX: That's a lie.

14 MR. ASHER: It's a matter of --

15 THE COURT: Excuse me. She filed a petition
16 for an OP?

17 MR. ASHER: Yes, your Honor. Two petitions
18 for OP.

19 THE COURT: All right. I understand that.
20 And pursuant to this proceedings, who has custody
21 of the children?

22 MR. ASHER: My client.

23 MS. MANNIX: Right now he has temporary
24 custody based on an order entered without

1 authority or jurisdiction.

2 THE COURT: I understand. So he has de
3 facto -- he has de jure custody of the children.

4 MR. ASHER: Yes, he does, your Honor.

5 THE COURT: And, now, he has the standing to
6 bring a petition for an OP.

7 MR. ASHER: Yes, your Honor.

8 THE COURT: Now, somebody that doesn't have
9 possession or custody of the child, do they have
10 standing to seek an OP?

11 MR. ASHER: I don't think they do.

12 MS. MANNIX: Yes, they do, your Honor. Mr.
13 Asher is once again lying to the Court.

14 THE COURT: Excuse me. You use that term
15 lie.

16 MS. MANNIX: Your Honor, may I tender to the
17 Court a police report verifying the perjury --

18 THE COURT: No. Ma'am, a police report,
19 pursuant to statute, is hearsay.

20 MS. MANNIX: Your Honor, right now I'm
21 testifying that the statements of Mr. --

22 THE COURT: No. You can't testify to the
23 truth and accuracy of a police report. You
24 didn't make it.

1 MS. MANNIX: I'm testifying to the truth and
2 accuracy of myself, sir.

3 THE COURT: You didn't make it.

4 MS. MANNIX: Your Honor, we have an affidavit
5 of the minor child --

6 THE COURT: The minor child isn't here.

7 MS. MANNIX: -- that he is -- his
8 representative is here.

9 THE COURT: That doesn't mean he can testify
10 on behalf of his client.

11 MS. MANNIX: Your Honor, may I please -- I'm
12 objecting to these proceedings as being
13 unconstitutional. ✓

14 THE COURT: Remove her. I want to conduct
15 this in your presence. If you continue to
16 conduct yourself as the way you have, you are not
17 going to be a part of this proceeding.

18 MS. MANNIX: I'll state for the record once
19 that I object, and I do object again, and then
20 you can go on. I object to all of these
21 proceedings --

22 THE COURT: By the way, Miss Mannix. I knew
23 that the second you walked into the courtroom.

24 MS. MANNIX: How did you know that, your

Violation of Article 32
of Criminal Code Subsection 4a
Harassment of a Witness

1 Honor?

2 THE COURT: Because you told me with your
3 body language.

4 MS. MANNIX: But, your Honor, there's also a
5 pending pleading that suspends your authority to
6 enter orders pursuant to the law. 9/29/05

7 THE COURT: No matter what I say, you keep
8 talking. You just don't understand it. Please
9 don't talk. Turns to Asher + Wessel;

10 At any rate, you are saying that
11 there is a prior order that's been violated.

12 MR. ASHER: Yes, your Honor.

13 THE COURT: So that what you are looking for
14 is not only an entry of an order of this OP, but
15 you are asking for a violation of a prior order
16 of OP which is a Class A misdemeanor. LIE.

17 MR. ASHER: Yes, your Honor. NO prior OP.

18 THE COURT: Now, we have decided, because
19 it's being brought before me, to do it in the
20 form of contempt which has the same force it
21 actually has. We have more authority under an
22 order of contempt -- Just put your hand down. who decided, ex parte
MISSING words conspiracy to commit

23 MS. MANNIX: There is no other order of
24 protection. Criminal acts by Judge, attys +

1 THE COURT: Take her out.

2 MS. MANNIX: Sir, there is no other order of
3 protection.

4 THE COURT: Take her out.

5 MS. MANNIX: What are you talking about?

6 THE COURT: You're gone. Miss Mannix, you're
7 gone.

8 MS. MANNIX: Your Honor, he violated --

9 THE COURT: You're gone, Miss Mannix. I
10 don't know how to say it more firmly than that.

11 MS. MANNIX: There is no other order of
12 protection.

13 THE COURT: You're gone, Miss Mannix.

14 MS. MANNIX: And you just said you got that
15 information someplace. Where did you get it?
16 That is extrajudicial and bias and prejudice.

17 I object to these proceedings as
18 being void in violation of Article III of the
19 United States Constitution. You are in violation
20 of the law, your Honor, and I object to
21 everything that you are entering.

22 (Whereupon Ms. Mannix left the
23 hearing.)

24 MR. ASHER: We have a telephone

1 conversation --

2 THE COURT: What you have now is, you are
3 bringing to the Court's attention and in a way
4 that you are asking for another OP, but you have
5 an OP that has been violated.

6 MR. WESSEL: Judge, we have a civil order in
7 this cause. And I have listened to two voice
8 messages, one on each of the children's cell
9 phones that were left yesterday, and those voice
10 messages come from their mother stating that --
11 in length and in detail that she is prepared to
12 protect them, that she is going to do what she
13 needs to do to protect them, that she needs for
14 them to be strong. There is a comment in one of
15 them to the effect of the group is ready to step
16 in and help you.

17 There are indications that I
18 perceive -- that I believe are confirmed by the
19 tenure of these messages that --

20 THE COURT: I'm only worried about the
21 procedure.

22 MR. WESSEL: -- that Miss Mannix is looking
23 to abduct the children. She also is intimidating
24 them.

1 And quite frankly, the
2 Barrington Hills police department that she has
3 referenced as having made criminal complaints to
4 has investigated this in detail, including
5 talking to the children, Mr. Kaiser and myself --

6 THE COURT: And me.

7 MR. WESSEL: -- and they have advised me that
8 they would like to have an order of protection
9 protecting Mr. Sheetz and the children from the
10 contact that's prohibited already in the civil
11 order, because their belief is that with the
12 civil order they can simply intervene and refer
13 people back to the court. And their request was
14 they would like to have an order of protection so
15 that when she is in contact with the children
16 they can intervene and take her into custody.

17 MR. ASHER: Custody.

18 MR. WESSEL: And I believe, given the
19 messages and information I have received in the
20 last week, I believe it's very important that
21 there be an order of protection that allows them
22 that authority.

23 THE COURT: I understand. Here's what I'm
24 fighting with in my own mind. One, I issued an

1 order of protection previously, civil order. Is
2 that right?

3 MR. WESSEL: You issued essentially a
4 restraining order.

5 MR. ASHER: No contact order.

6 THE COURT: So it was not an OP.

7 MR. ASHER: It was not on OP.

8 THE COURT: Oh, okay. So what we are doing
9 is, the Barrington police -- I understand their
10 position now -- is they accept an OP before they
11 accept the restraining order.

12 MR. WESSEL: Yes.

13 THE COURT: Okay. Because they don't enforce
14 restraining orders. They enforce OP's.

15 MR. ASHER: That's right.

16 THE COURT: All right. So that I know we've
17 had this discussion.

18 So rather than bring it to their
19 attention and letting the state become the moving
20 party on an OP, you are asking that you become
21 the moving party in the OP?

22 MR. ASHER: Yes, your Honor.

23 THE COURT: And that there be no contact, no
24 contact between Miss Mannix and her two children.

1 And do you wish that to become part of the
2 record?

3 MR. ASHER: Yes, your Honor.

4 MR. WESSEL: Yes.

5 THE COURT: And you wish to have a hearing
6 instanter?

7 MR. ASHER: Yes, your Honor.

8 THE COURT: And you feel that it's necessary
9 for your client's protection?

10 MR. WESSEL: Yes, your Honor.

11 THE COURT: Now, we have a third party here
12 who has a -- I don't know what kind of standing
13 he has. I'm trying to figure that out.

14 MR. KAISER: We would love to have a rule on
15 that, too, your Honor.

16 We have an order previously from
17 Lake County. When the order of protection I
18 filed on behalf of Kevin was filed, there is an
19 order saying that the case is to be transferred
20 to Cook County, but not to you. As a result of
21 that, the first time I appeared before you, your
22 Honor, I had filed a motion to transfer or -- I'm
23 sorry, excuse me -- a motion for substitution of
24 judges to have that moved to another judge. You

1 deferred ruling on that particular motion.

2 THE COURT: So you are SOJ-ing me?

3 MR. KAISER: Correct.

4 THE COURT: Okay.

5 MR. KAISER: You had deferred ruling on that
6 until the standing had been determined.

7 Counsel and myself had filed a
8 brief with you a while ago, and I believe you
9 read that at the time.

10 THE COURT: Right. If you can find the
11 answer to the question, let me know, will you?

12 MR. KAISER: We're actually asking for -- I'm
13 asking for a ruling today, and I'll tell you why
14 I'm asking for a ruling today, your Honor.

15 On January 11th there was an
16 event that occurred with Kevin that I was not
17 notified about until Monday. That was two weeks.
18 And I think if I'm going to be in this quasi
19 representational position, I should be informed
20 of these things and I wasn't. And I think that
21 that needs to be -- that needs to be handled
22 today so we don't run into that issue any
23 further.

24 THE COURT: Well, the issue we had in the

1 past was involving Patrick Murphy who was the
2 Public Guardian.

3 MR. KAISER: You are correct, Judge.

4 THE COURT: And it had to do with his
5 representation or somebody else's representation
6 of a party in a juvenile proceeding.

7 MR. KAISER: Your recollection is correct,
8 Judge.

9 THE COURT: So what we are trying to
10 determine here, are the interests of the child
11 being adequately protected and are we dealing
12 with the best interests of the child --

13 MR. KAISER: Correct.

14 THE COURT: -- by the child not necessarily
15 choosing its own attorney, because there's
16 nothing in the statute that says yes or no.

17 MR. KAISER: Correct.

18 THE COURT: So that I have to exercise my
19 discretion. And as long as I don't abuse my
20 discretion, I think that the Appellate Court
21 would probably, if I use good reasoning, support
22 the position I'm taking, recognizing what chaos
23 can result. And as you can understand, there has
24 been a certain amount of chaos.

1 MR. KAISER: I understand, Judge.

2 THE COURT: One of the things yesterday -- or
3 two days ago -- and I spoke to the judge in
4 DuPage County, which we have a right to do, and I
5 asked him, I said considering that she's filed an
6 OP and she's made certain allegations in the OP,
7 how would she know if there is a no contact
8 order? Now, he couldn't answer that question.
9 He mentioned something about suicide on one of
10 the children.

11 So I'm asking myself, how did
12 she get information about the child attempting
13 suicide unless there had been some kind of
14 contact, unless there's a public record of it
15 somewhere. Of course, if it's a public record,
16 then it's a public record. She has a right to
17 that.

18 MR. KAISER: Yes, sir.

19 THE COURT: But then again, would that be the
20 basis for filing a complaint against a judge in
21 Lake County? I don't think so.

22 So I think for the moment I am
23 going to make a finding that the best interests
24 of both the children are being represented by Mr.

1 Wessel and that I don't see where there is going
2 to be a need for an additional attorney to be
3 present.

4 MR. KAISER: Thank you, Judge.

5 THE COURT: So that's a ruling as far as you
6 are concerned.

7 MR. KAISER: I appreciate that, your Honor.
8 I would disagree with you respectfully, but --

9 THE COURT: That's why we're lawyers.

10 MR. WESSEL: Your Honor, I do want to state
11 for the record that during the period of time
12 that Mr. Kaiser was quasi involved in this case,
13 that he did follow all of your court orders.

14 THE COURT: Oh, by the way, he's cooperated
15 with the Court in every way.

16 MR. WESSEL: And has cooperated with me as
17 well. He advocated for his client.

18 THE COURT: And I'm glad it's done on a
19 reasonable, rational way.

20 MR. WESSEL: He followed the orders and
21 advocated at the same time and his
22 professionalism was apparent.

23 MR. ASHER: I join in with what Mr. Wessel
24 said.

1 MR. KAISER: Thank you. I mine as well
2 depart then.

3 THE COURT: Are you a Lake County guy?

4 MR. KAISER: Yes, sir.

5 THE COURT: Well, it's a good world out
6 there.

7 MR. KAISER: It was cold standing outside at
8 the train.

9 THE COURT: Well, way back when, you know, we
10 had a lot of business with Judge Brady. _____

11 MR. KAISER: Sure. He just retired.

12 THE COURT: I know. The only democrat on the
13 bench up there. ✓

14 MR. ASHER: We're on the record.

15 THE COURT: And Judge Whitt.

16 MR. ASHER: I see him every day.

17 THE COURT: And Judge Scott and Judge --

18 MR. ASHER: Judge Scott was just moving to
19 Florida.

20 MR. KAISER: Yes.

21 THE COURT: And the Armanian who was the
22 chief judge.

23 MR. KAISER: No, I don't think he was chief.

24 MR. ASHER: He was at one time.

1 MR. KAISER: They rotated around. Judge
2 Tonigan just retired.

3 THE COURT: Yes. I've been to Reno with all
4 of them to the judge's --

5 MR. KAISER: Are you guys going to put in a
6 combined order? You'll put that in an order, I
7 believe.

8 MR. ASHER: Yes.

9 MR. WESSEL: Thank you very much.

10 THE COURT: At any rate --

11 (Whereupon Mr. Kaiser left the
12 hearing.)

13 MR. ASHER: We are asking --

14 THE COURT: So that you are going to be
15 here -- if we're filing a petition under the
16 Illinois Domestic Violence Act, who is signing
17 it?

18 MR. ASHER: Signed by Mr. Sheetz.

19 THE COURT: Okay. So the custodial parent is
20 now signing the -- and he is seeking to have
21 simply no contact --

22 MR. ASHER: That's correct, your Honor.

23 THE COURT: -- with the children of any kind.
24 And he's doing it for the purposes of informing

1 the South Barrington police or any other
2 municipality police in Lake County that there has
3 been a no contact order entered and that she
4 doesn't have any right. I don't say she doesn't
5 have a right. Anybody has a right to file one.
6 But he would be the one who has standing to
7 complain about the no contact.

8 MR. ASHER: Yes, your Honor. The county
9 where he lives is -- he lives in the Cook County
10 portion, but that is Cook and Lake County as
11 well. And he's asking for that, that the no
12 contact order be part of the order of protection
13 that is entered, and she cannot go to the
14 schools, because if you read the -- she's been
15 going to the schools on a regular basis,
16 contacting the children on their cell phones on a
17 regular basis, going to all sporting events and
18 contacting the Barrington Hills police.

19 ^{is this correct} THE COURT: How do we get a blockage on the
20 cell phones?

21 MR. WESSEL: Your Honor, I was advised -- I
22 don't know. I know that -- I believe that she
23 has already used a call forwarding service to
24 make sure that some phone calls that she makes to

1 her children are routed to a number that is a
2 service that forwards calls so you can't trace
3 it.

4 THE COURT: She can borrow your cell phone
5 and make a phone call. Anybody can get a cell
6 phone and make a phone call.

7 MR. WESSEL: I was advised by the
8 investigating officer of Barrington Hills police
9 department that she actually spoke to her son on
10 the cell phone while she was talking to them in
11 the police department. They said they allowed
12 her to do that. They listened to the
13 conversation because they were investigating her
14 allegations regarding Mr. Sheetz.

15 However, they've also told me
16 that they have observed her making contact with
17 the children in the school. And their request of
18 me was please give us an order of protection so
19 that we can enforce this order.

20 THE COURT: Well, we want to make reference
21 in a separate order. Number one, we want to have
22 an OP. And then do we want to have -- the
23 purposes of it is to assist the municipalities in
24 enforcing the -- and also making a finding that a

1 prior restraining order was entered prohibiting
2 such contact and that we are now putting it in
3 the form of an order of protection.

4 MR. WESSEL: Very good.

5 THE COURT: Swear the witness.

6 (Witness so sworn.)

7 THE COURT: Proceed.

8

9 DANIEL SHEETZ,

10

11 the respondent herein, called as a witness on his
12 own behalf, having been first duly sworn, was
13 examined and testified as follows:

14

15 DIRECT EXAMINATION

16 By Mr. Asher:

17

18 Q. State your name for the record.

19 A. Daniel Sheetz.

20 Q. And you reside in Barrington Hills,
21 Illinois; is that correct?

22 A. Yes, I do.

23 Q. And you are the father of Brian Sheetz?

24 A. Yes, I am.

1 Q. And you are the father of Kevin Sheetz;
2 is that correct?

3 A. Yes.

4 Q. And you were the respondent in this
5 action and you brought an order of petition for
6 order of protection; is that correct?

7 A. Yes.

8 Q. And pursuant to your petition for order
9 of protection, Sheila Mannix, who was your former
10 wife, there is a no contact order that was
11 entered in this matter; is that correct?

12 A. Yes.

13 Q. And on numerous occasions she's
14 contacted the children; is that correct?

15 A. Yes.

16 Q. And she calls the children on their cell
17 phones, is that correct, on a regular daily
18 basis; is that correct?

19 A. Yes.

20 Q. The children have informed you of this?

21 A. Yes.

22 Q. You also have the children's cell phones
23 with you and there are messages from Sheila
24 Mannix, extensive messages from Sheila Mannix, to

1 her children on these cell phones; is that
2 correct?

3 A. Yes, there is. There's three of them
4 right now from yesterday.

5 Q. And these are of a threatening nature;
6 is that correct?

7 A. Yes.

8 Q. And in your opinion after listening to
9 these messages, you find that she is dangerous to
10 her children and health, safety and welfare of
11 her children; is that correct?

12 A. Yes, without a doubt.

13 Q. And they intimate to the fact that she
14 wants her to -- she would take her children from
15 you in your custody; is that correct?

16 A. Yes.

17 Q. Now, on numerous occasions during the
18 summer and now she goes to sporting events for
19 the children?

20 A. Yes.

21 Q. And she brings her friends and her
22 representatives and other people there; is that
23 correct?

24 A. Yes.

1 Q. And has she talked to the children at
2 that point?

3 A. On almost every occasion, yes.

4 Q. And have you heard conversations between
5 her and the children?

6 A. Yes.

7 Q. And based upon those conversations, is
8 she interfering with your ability to parent the
9 children?

10 A. Yes.

11 Q. And has she stated to the children on
12 numerous occasions that it's best that they
13 return to her in violation of the court order?

14 A. Yes.

15 Q. And she's come to your house and parked
16 in the driveway; is that correct?

17 A. In the back seat of a car, yes.

18 Q. Yes. And she was present when you were
19 served with one of these orders of protection; is
20 that correct?

21 A. Yes.

22 Q. And there have been three orders of
23 protection filed by her in Lake County in the
24 last 30 days or so; is that correct?

1 A. Yes.

2 Q. And they've all been -- one of which was
3 denied; is that correct? The other one's been
4 transferred to Cook County; is that correct?

5 A. Yes, I believe so.

6 Q. All right. Now, you had a conversation
7 with your sons, and this conversation entailed
8 the question of what civil contempt is and
9 criminal contempt is?

10 A. Yes.

11 Q. And what did they say to you about the
12 fact that their mother had told them that if she
13 takes them, that because there's only a civil
14 order that she won't go to jail? Is that what
15 she said?

16 A. I asked them specifically if their
17 mother had talked to them about -- about her
18 taking them, and then my son Kevin said -- now,
19 that's not Brian, but I talked to Kevin, the
20 oldest one, the 16 year-old -- said that he's had
21 many conversations with his mother and a lot of
22 the topic is civil orders versus criminal orders,
23 and that is as far as Kevin -- he said it got
24 complicated, he said but I remember continually

1 talking about civil orders versus criminal
2 orders.

3 Q. Okay. Now, you think that your children
4 are in danger; is that correct?

5 A. Yes, I do.

6 Q. And you want her barred from any contact
7 with the children and any contact with you at
8 your residence and your lady friend's residence;
9 is that correct?

10 A. Yes.

11 Q. The sports center in Lake Zurich, the
12 middle school, Prairie Middle School, which is
13 located in Inverness, Barrington, Illinois, and
14 Barrington high school where Kevin goes to
15 school, correct?

16 A. Yes.

17 Q. And she has made attempts and has gone
18 to, on numerous occasions, to the middle school
19 to see Brian; is that correct?

20 A. Yes.

21 Q. And in fact, Brian and Kevin were
22 interviewed by police officers of both Barrington
23 Hills and Inverness, correct? Two separate
24 police departments; is that correct?

1 A. Yes, without my knowledge. They wanted
2 to investigate the allegations that Sheila had
3 made, so they interviewed the children without my
4 knowledge so that if there was a problem they
5 could decide whether or not the children were
6 safe or not.

7 Q. And was there a problem?

8 A. No.

9 Q. Now, also the fact that she calls the
10 Barrington Hills police on almost a daily basis
11 to ask for wellness checks on these children?

12 A. We've had five wellness checks over the
13 last 30 days.

14 Q. And what do the police do? They come in
15 and contact you?

16 A. They come in and have cookies with us.

17 Q. And they talk to the children?

18 A. Yes.

19 MR. ASHER: I have nothing further.

20 THE COURT: Your residence is where?

21 THE WITNESS: In Barrington Hills.

22 THE COURT: In Barrington Hills, Lake County?

23 MR. ASHER: Cook County.

24 THE COURT: Okay. Barrington high school is

1 in Lake County.

2 THE WITNESS: Cook.

3 MR. ASHER: No. I believe Barrington high
4 school is in Cook County.

5 THE COURT: Lake-Cook Road is south of there.

6 MR. ASHER: Okay. It's right on the border.

7 THE COURT: I know.

8 MR. ASHER: Barrington middle school, though,
9 is in Cook County.

10 THE COURT: I understand. I'm only dealing
11 with this because of the point of view whereas
12 the --

13 MR. ASHER: Barrington middle school is in
14 Cook County.

15 THE COURT: It's not a case of that. It's a
16 case of where are we going to bring a proceedings
17 if there's going to be a criminal action taken,
18 violation of on OP? The violation of an OP,
19 If the conduct is taking place both in Lake
20 County and Cook County, what's the proper
21 forum?

22 MR. ASHER: It's where it happens.
23 Barrington happens to be in three counties.

24 THE COURT: Yes, I know.

1 THE WITNESS: My concern is that on
2 Sundays -- we have a soccer game every Sunday and
3 Sheila comes to every Sunday morning soccer game
4 and tries to have private conversations.

5 THE COURT: And that's in Cook County.

6 THE WITNESS: And that takes place in Lake
7 County. And that is a kid's sports center in
8 Lake Zurich. The phone calls happen in my
9 county.

10 THE COURT: All right. We'll address that
11 with the violations.

12 All right. The petition for an
13 order of protection -- a 21 day order of
14 protection is granted. There is going to be an
15 accompanying order with that to the Barrington
16 police setting forth that a prior order having
17 been entered, restraining order having been
18 entered, that we are further supplementing that
19 restraining order to an order of protection. So
20 we now have a civil order of protection pursuant
21 to the Illinois Domestic Violence Act.

22 MR. ASHER: Thank you, your Honor.

23 THE COURT: You can send that to them.

24 Now, we are going to serve her

1 in open court today if she's still around.

2 SHERIFF: She's still here.

3 THE COURT: Is she still here?

4 SHERIFF: She's out in the hall.

5 THE COURT: Okay. We'll serve her and let
6 her know that she has a right to contest that.
7 She has a right within three days upon due notice
8 and the order is going to be returnable on a date
9 certain.

10 Now, where else does that leave
11 us as far as any remediation of the problem is
12 concerned?

13 MR. WESSEL: Judge, I have received a phone
14 call from Dr. Gamsey. Miss Mannix did not
15 cooperate with his process but he was able to
16 complete an opinion with regard to the safety of
17 the children vis-a-vi their parents. He has
18 indicated to me that he is completed with that
19 investigation and has a report prepared.

20 Apparently there's a balance
21 due. He's willing to send a bill to the father,
22 and he's advised me that as soon as that bill is
23 paid then he will be releasing his report to us.

24 THE COURT: What is his capacity?

1 MR. WESSEL: He is a 604(b).

2 THE COURT: Okay. He is my witness.

3 MR. WESSEL: Yes.

4 THE COURT: All right.

5 MR. WESSEL: And I'm anticipating that we
6 would then have that report very quickly.

7 MR. ASHER: Probably within the 21 day
8 period.

9 THE COURT: Okay.

10 MR. WESSEL: And from my understanding from
11 my conversation with him, he is an experienced
12 forensic evaluator and it is a comprehensive
13 report that answers the questions we need
14 answered.

15 THE COURT: Well, I understand that. The
16 problem is that the volume of paper is mind
17 boggling.

18 MR. ASHER: Judge, I have half a room filled
19 with this case.

20 THE COURT: Well, so do I.

21 Okay. Please excuse me for a
22 moment and then we'll bring her back in.

23 MR. ASHER: Thank you, your Honor.

24 (Whereupon a recess was taken.)

1 (Whereupon Ms. Mannix joined
2 the hearing.)

3 MS. MANNIX: Yes, your Honor.

4 THE COURT: They have filed a petition for an
5 order of protection which I have just heard
6 testimony on and have issued the order of
7 protection. It's going to be served on you in
8 open court.

9 You have all the remedies that
10 anybody else who is served with an order of
11 protection has. You can contest it. The statute
12 gives you the right to contest it. It sets forth
13 the way you contest it and what you have to do in
14 the future.

15 But there's going to be an order
16 of protection and the order of protection is no
17 contact, no contact of any kind at any time with
18 your children.

19 MS. MANNIX: Your Honor, may I please ask
20 some questions? Number one, what was the
21 testimony and who testified?

22 THE COURT: The custodial parent testified.

23 MS. MANNIX: The temporary custodial parent
24 testified?

1 THE COURT: Yes.

2 MS. MANNIX: Okay. And in this order of
3 protection, is Brian Sperry Sheetz included in
4 violation of law?

5 THE COURT: In who?

6 MS. MANNIX: Is Brian Sperry Sheetz included
7 in this order of protection in violation of
8 Illinois law?

9 THE COURT: Brian?

10 MS. MANNIX: Brian Sperry Sheetz, is he in
11 this order of protection that you just entered
12 today in violation of Illinois law?

13 THE COURT: Excuse me. He's a protected
14 party.

15 MS. MANNIX: Okay. So you have entered an
16 order of protection, including Brian Sperry, in
17 violation of Illinois law?

18 THE COURT: Both children.

19 MS. MANNIX: Number three, your Honor --

20 THE COURT: Hold on. Both children.

21 MS. MANNIX: Yes. So you've done an order of
22 protection --

23 THE COURT: By the way, it's on the record
24 so you will be able to have a copy of the record.

1 MS. MANNIX: No, I know, sir. I'm just
2 posting my objections for the record that you
3 willfully and knowingly have violated Illinois
4 law.

5 THE COURT: No, you are not objecting. You
6 asked the question. I told you that the
7 protected parties are both children.

8 MS. MANNIX: Okay.

9 THE COURT: And that you are prohibited from
10 contacting them.

11 MS. MANNIX: Yes, your Honor. I appreciate
12 that, because we had an order or protection and
13 the officers in Lake County didn't arrest the
14 petitioner, so that if I contact my children and
15 arrest them, then we have a massive civil
16 rights --

17 THE COURT: Hold on, Miss Mannix. They are
18 not arresting you either, only if you violate it.

19 MS. MANNIX: Well, that's the point. Listen,
20 sir, carefully. You're being set up.

21 THE COURT: Please don't lecture me.

22 MS. MANNIX: No. I'm letting you know
23 something to give you heads up so that there's
24 not a claim of entrapment.

1 THE COURT: There is no claim of entrapment.
2 You don't even know the definition of entrapment.

3 MS. MANNIX: Yes, I do, sir. The officers
4 did not arrest my ex-husband two days before you
5 illegally took my children when he violated an
6 order of protection, and if I get arrested it
7 will be gross sexual and age discrimination.

8 THE COURT: That's your prerogative.

9 MS. MANNIX: Okay. Number four, your Honor.
10 I don't understand how I presented that the
11 respondent has been violating multiple no
12 contact, no harassment orders with regard to me
13 and you have ignored that. You have also ignored
14 a pending default motion in which the respondent
15 now owes me over \$100,000. And you have
16 willfully committed depravation of me and my
17 rights and impoverished me.

18 So what this Court has done
19 today is an example of sexual discrimination.
20 You are allowing the respondent to violate every
21 order, financial contact, harassment, and you
22 are -- you have just entered an order of
23 protection based on criminally fraudulent
24 testimony.

1 I need to alert the Court that
2 the respondent, Mr. Asher, Mr. Wessel and Miss
3 Bruno are currently under a criminal
4 investigation for criminally perjurious acts in
5 their filings.

6 Let's see. What else? Your
7 Honor, may I please ask if I may file a motion to
8 strike and vacate this order of protection in two
9 weeks?

10 THE COURT: I tried to tell you. You have
11 the same rights as anybody --

12 MS. MANNIX: I know. I'm asking now.

13 THE COURT: This isn't your filing. This is
14 a response. So you are not voluntarily coming
15 and asking for something.

16 MS. MANNIX: I don't understand, sir.

17 THE COURT: You are responding to something.
18 Somebody else got an order of protection. You
19 have an absolute right to defend it pursuant to
20 statute, pursuant to the constitution.

21 MS. MANNIX: Well, that's what I'm asking.

22 THE COURT: Of course you have.

23 MS. MANNIX: Well, first of all, there's four
24 orders of protections pending that you --

1 THE COURT: We're not talking about those.

2 MS. MANNIX: I know.

3 THE COURT: We're talking about this one.

4 MS. MANNIX: So how is it that you've entered
5 this one when you never, ever gave me any due
6 process of law on the four that are pending for
7 me and my children? How is it that you did that?

8 There is an order of protection
9 petition that has been unchallenged since
10 September of 2005 when you lost authority to
11 enter orders and then took my children with no
12 authority of law.

13 THE COURT: Excuse me.

14 MS. MANNIX: So how is it that I, as a woman,
15 get no due process of law in this courtroom for
16 any orders at all? The respondent has violated
17 every single order of this Court and the
18 testimony today was criminally perjurious and
19 there is a current criminal investigation.

20 So I am going on the record to
21 state that I object to these proceedings. They
22 are in violation of my constitutional rights. I
23 further object. They are in violation of the
24 U.S. Constitution, Article III, which gives this

1 Court authority. And if this Court, as it has
2 for now 16 months, acted without authority, it
3 has lost its official standing and has lost
4 judicial immunity and is operating under its own
5 self-prejudice with full knowledge that it's
6 committing willful depravation in violation of
7 the constitutional rights of two innocent
8 children and an innocent woman who are the
9 victims of abuse, that this Court has never
10 enforced the lawful pleadings in front of it.

11 So, your Honor, I will be
12 filing, to continue with the record, a motion to
13 strike and dismiss this order of protection. I
14 will continue to pursue the criminal
15 investigations underway for the perjurious
16 documents filed by the respondent under oath, by
17 Mr. Wessel under certification, by Miss Bruno
18 under oath, which are direct violations of
19 Article 32, interference with judicial procedure,
20 subparagraph 32-2, perjury, and 32-3, subornation
21 of perjury I believe.

22 I think that's all I need to get
23 on the record, your Honor.

24 THE COURT: Thank you. You have your rights.

1 You can pursue them in any way you see fit.
2 Nobody has abrogated any of your rights, whether
3 you can accept this or not. The protected
4 parties here are not you. The protected parties
5 are the children, because the injury to the
6 children is what the Court is concerned --

7 MS. MANNIX: Your Honor --

8 THE COURT: You just listen to me.

9 MS. MANNIX: Yes, sir.

10 THE COURT: All right. Now, you are the one
11 who is raving about who are these things
12 happening to. It is the kids who are being
13 damaged. I asked, well, what kind of a
14 relationship do you have with your children? And
15 the relationship with your children is extremely
16 hostile.

17 MS. MANNIX: No, it isn't, your Honor.
18 They're lying.

19 THE COURT: There they go.

20 MS. MANNIX: They're going to come in -- my
21 children are coming in to testify. Dr. Gamsey is
22 under criminal investigation for criminal
23 harassment of witnesses.

24 THE COURT: That's right. It's never my

1 fault.

2 MS. MANNIX: Dr. Gamsey has never given me a
3 CV in direct violation --

4 THE COURT: It's never my fault. It's always
5 somebody else's.

6 MS. MANNIX: No, your Honor. I have taken
7 full responsibility. These children are
8 witnesses to your judicial fraud and Judge
9 Giger's judicial fraud. These children are
10 traumatized. These children have told me that as
11 long as I keep fighting, they will be okay. They
12 do not want to be with their father. They told
13 Dr. Gamsey this. It is in the order of
14 protection affidavit.

15 You have just grossly violated a
16 16 year-old's constitutional rights and dismissed
17 his attorney who came in here on an independent
18 action and gave you substitution of judge by
19 right and by cause that you ignored. You have
20 violated mandatory ministerial law. You have
21 lost your judicial immunity.

22 THE COURT: If you bring it to the attention
23 of the appropriate authorities, I'm sure they
24 will give you redress.

1 MS. MANNIX: No, that's not true because the
2 judicial inquiry board, when I told them that I
3 have material evidence of your alleged
4 involvement with organized crime, they closed the
5 investigation.

6 THE COURT: Do you have any evidence anywhere
7 about my cooperation with organized crime?

8 MS. MANNIX: Your Honor, I --

9 THE COURT: Do you have any?

10 MS. MANNIX: Yes. I'm filing with the U.S.
11 Supreme Court and attaching the evidence of the
12 alleged involvement of Mr. Wessel and you.

13 THE COURT: Are they the investigating agency
14 for a judge having conflict or conversations with
15 organized crime?

16 MS. MANNIX: What did you say?

17 THE COURT: Maybe might the FBI not be the
18 proper one and not the Supreme Court? They are
19 not an investigator.

20 MS. MANNIX: Your Honor, they are pursuing
21 all avenues of relief, the Senate Judiciary
22 Committee.

23 THE COURT: Which one?

24 MS. MANNIX: All of them, sir. We've sent it

1 out to all of them.

2 THE COURT: There is a hundred of them.

3 MS. MANNIX: No, there aren't. There's 18.

4 THE COURT: All right. Which 18 are you
5 going after?

6 MS. MANNIX: In Washington, the Senate
7 Judiciary Committee in Washington. The Chairman
8 Leahy and the 18 members have received
9 information of your alleged involvement and Mr.
10 Wessel --

11 THE COURT: I've been consorting with crooks,
12 is that what you're saying, organized crime?

13 MS. MANNIX: Excuse me, sir?

14 THE COURT: I've been consorting with
15 organized crime?

16 MS. MANNIX: That's being handled, sir.
17 There's allegations.

18 THE COURT: I didn't say that. Are you
19 making that allegation?

20 MS. MANNIX: Am I making that allegation?

21 THE COURT: Yeah.

22 MS. MANNIX: I'm making that allegation
23 pursuant to my First Amendment rights for free
24 speech.

1 THE COURT: No, free speech doesn't give you
2 a right to lie. It only gives you a right to
3 express yourself. But if you express yourself in
4 a lie, you have an appropriate sanction. That's
5 why you don't have a right to shout fire in a
6 crowded theater, because there is a restriction
7 on doing that.

8 MS. MANNIX: Yes. I've learned about that
9 from the criminal lawyer, Thomas Durkins' filings
10 in the case of Mr. Lynch.

11 THE COURT: His name was --

12 MS. MANNIX: By the way, the judge who
13 incarcerated him left the bench within two months
14 of falsely incarcerating him.

15 THE COURT: There's a great guy from
16 Massachusetts.

17 What day is it returnable?

18 MR. ASHER: How about February 23rd, which
19 would be 21 days?

20 THE COURT: Okay.

21 MS. MANNIX: Your Honor, I'm requesting it be
22 returnable in 14 days for a full hearing.

23 THE COURT: By the way, right now it's
24 returnable in 21 days.

1 MS. MANNIX: Okay, 21 days. Okay.

2 THE COURT: If you wish to have it heard
3 earlier, you have to have -- to come to court and
4 ask for it.

5 MS. MANNIX: Well, 21 days is fine. And I'm
6 going to be issuing subpoenas for the children to
7 come testify in open court.

8 THE COURT: That doesn't mean they are going
9 to.

10 MS. MANNIX: Yeah, well, I want to make the
11 Court aware that when Mr. Sheetz, the respondent,
12 falsely alleged allegations that I was sleeping
13 with the younger child on the same day that he
14 was held --

15 THE COURT: Miss Mannix, there was no
16 allegation made today.

17 MS. MANNIX: No, but I want to let you know
18 that Mr. Wessel objected to Mr. Kaufman's
19 subpoenas for the children to testify as direct
20 witnesses. Judge Vega overruled Mr. Wessel and
21 the respondent's attorney withdrew the motion
22 with prejudice. And there is a pending
23 attorney's fees of over two years that you have
24 not adjudicated in further criminal

1 impoverishment of me.

2 So just to let you know that
3 when there was the possibility that the children
4 would come and directly testify to the truth of
5 what's going on, their trauma and their fear of
6 their father and their putative nonadjudicated
7 father, Mr. Wessel and the --

8 THE COURT: Their nonadjudicated father?

9 MS. MANNIX: Putative, nonadjudicated father,
10 sure.

11 THE COURT: He's not the father? He's not
12 the father?

13 MS. MANNIX: Your Honor, there is a parentage
14 petition going forward. You have violated the
15 law. That will be handled in 21 days.

16 THE COURT: He is not the father?

17 MS. MANNIX: Now, let me ask you.

18 THE COURT: No, no. I asked you. Is he not
19 the father?

20 MS. MANNIX: Your Honor, I am not going to
21 violate Supreme Court Rule 306(g).

22 THE COURT: Then don't talk.

23 MS. MANNIX: The matter is stayed here on
24 Brian Sperry Sheetz.

1 THE COURT: Don't talk.

2 MS. MANNIX: Further, I need to know -- well,
3 I'll find out.

4 THE COURT: Good. See you in three weeks.

5 MR. ASHER: Eleven o'clock, your Honor?

6 THE COURT: Yeah.

7 CLERK: That's fine. There's time that day,
8 eleven o'clock.

9 MS. MANNIX: Oh, actually, I do need to ask
10 you. I would like to be put in the order today
11 that the children will come to testify in open
12 court pursuant to the allegations.

13 THE COURT: No.

14 MS. MANNIX: Why not?

15 THE COURT: Because there was no testimony
16 here by them.

17 MS. MANNIX: But that's the point. They're
18 alleging stalking. There is no stalking.
19 They're alleging upset. There is no upset.

20 THE COURT: No. You know something? It's
21 going to be in that petition and it's going to be
22 in this transcript. You will know exactly what
23 he said and that's what you can contest, that
24 which he said.

1 MS. MANNIX: I know. I am meeting with the
2 detective this afternoon to further go over the
3 perjury of Mr. Wessel and Mr. Sheetz in violation
4 of the Criminal Code of the State of Illinois.

5 THE COURT: Go ahead.

6 MS. MANNIX: So I'll get the transcript.
7 We'll get that.

8 I'm asking right now, do I issue
9 237 notices to appear -- for the children to
10 appear pursuant to the law?

11 THE COURT: 237. They are not parties.

12 MS. MANNIX: Well, they are parties.

13 THE COURT: No, they are not.

14 MS. MANNIX: They're protected parties.

15 THE COURT: I understand that. But they are
16 not parties to --

17 MS. MANNIX: So then I do subpoenas?

18 THE COURT: By the way. You do what you
19 think you have to do.

20 MS. MANNIX: All right. Well, I'm just
21 making the Court know that I'm going to be doing
22 subpoenas. And when Mr. Wessel objected to the
23 subpoenas the last time perjurious allegations
24 were made, Judge Vega overruled it and Mr. Sheetz

1 withdrew the petition with prejudice. And
2 there's pending attorney's fees.

3 THE COURT: See you on the 23rd.

4 MR. WESSEL: Your Honor, I did want to state
5 that there is -- there are sanctions for people
6 who harass child representatives, and we are
7 getting very close to my needing to file such a
8 petition. And I'm simply saying that I may have
9 to do that by the time we come back.

10 THE COURT: We do have, as you know, we do
11 have a difference in the types of contempt. And
12 we deal 99 percent of the time with civil
13 contempt in this division. Only rarely do we
14 ever deal with criminal. Doesn't mean it isn't
15 done. There have been several hearings on
16 criminal contempts in the divorce division. And
17 it's still possible, but the procedure is
18 substantially different.

19 MR. WESSEL: Yes.

20 MS. MANNIX: Actually, your Honor --

21 THE COURT: And Judge (inaudible) has written
22 a book. I don't know if you have what -- Do you
23 have that?

24 MR. WESSEL: No, I don't.

1 THE COURT: Give him the thing on --

2 MS. MANNIX: Your Honor, there's actually a
3 petition for criminal contempt against the
4 respondent pending before you since July of 2005
5 that you have never adjudicated.

6 THE COURT: I understand. I don't adjudicate
7 it. The person who asks for it has to.

8 MS. MANNIX: I've been asking for that and
9 you have never allowed me due process of law.
10 There is a petition for direct criminal contempt
11 by the respondent that's been pending before you
12 that has been a exchange of pleadings that's at
13 issue and you've afforded me no access to --

14 THE COURT: Do you know how to bring a
15 criminal contempt petition?

16 MS. MANNIX: Yes, your Honor.

17 THE COURT: How?

18 MS. MANNIX: It's before you.

19 THE COURT: How? How do you bring it?

20 MS. MANNIX: It's in a petition and it's
21 before you since July of 2005.

22 THE COURT: No, that's not true. That's not
23 correct. That's not the way you do it.

24 MS. MANNIX: Your Honor, I have to say one

1 other thing. There's also a criminal code
2 violation of harassment of witnesses and that's
3 being investigated right now in the criminal --

4 THE COURT: Thank you for the lecture.

5 MS. MANNIX: Thank you. I just needed to let
6 Mr. Wessel and everyone know that criminal
7 harassment of witnesses is now being investigated
8 on behalf of a number of persons in the room.

9 Also, I need to let you know,
10 your Honor, that Dr. Gamsey never gave me a CV.
11 I requested it. He never gave it to me, to
12 correct Mr. Wessel's misstatement on court
13 transcript in December.

14 THE COURT: Is there a Dr. Gamsey CV?

15 MS. MANNIX: He's refused to give it to me.
16 He's refused to reply to me.

17 MR. WESSEL: Your Honor, my understanding is
18 that Miss Mannix sent a demand to Dr. Gamsey for
19 a variety of materials, and I believe Dr.
20 Gamsey's response was that he was prepared to
21 meet with her if she wanted to meet with him and
22 so that he could perform his duties. My
23 understanding is that she has not gone to meet
24 with him.

1 THE COURT: All right. There's nothing like
2 a half truth.

3 MS. MANNIX: Mr. Wessel has just lied again.
4 I sent Dr. Gamsey a very professional letter
5 requesting his CV and requesting other documents
6 that I am legally entitled to. Dr. Gamsey
7 refused to cooperate.

8 I also want to state for the
9 record that, how is it that Dr. Gamsey did not
10 see the children for a year? I want to say that
11 the children -- that delay is part of the
12 racketeering enterprise in Cook County to hurt
13 the children. And we have multiple cases, for
14 example, the cases of Mr. Wessel in terms of --

15 THE COURT: Mr. Wessel, for the Court's
16 benefit, why was Dr. Gamsey appointed?

17 MR. WESSEL: Dr. Gamsey was appointed as the
18 604(b) evaluator because --

19 THE COURT: Of whom?

20 MR. WESSEL: The parties and the children.

21 THE COURT: Okay.

22 MS. MANNIX: Your Honor, Mr. Wessel --

23 THE COURT: You know, you're talking and
24 you're interrupting.

1 MS. MANNIX: But I'm asking you --

2 THE COURT: I don't give you advice. I don't
3 know why you don't understand that.

4 But at any rate, so Dr. Gamsey
5 was appointed to evaluate a party -- one of the
6 parties and all the children?

7 MR. WESSEL: All the parties and the
8 children. And each party at that time was saying
9 that the children were at risk.

10 THE COURT: Okay.

11 MS. MANNIX: Your Honor, he was ordered
12 illegally, five days before I got a chance to
13 respond with no due process of law, after you had
14 already lost authority to enter orders. Dr.
15 Gamsey's activity, especially with Brian, is part
16 of a criminal investigation of Dr. Gamsey
17 harassing a witness.

18 So everything that's going on in
19 this proceeding is in violation of the law. And
20 I know I'm speaking to the wall.

21 THE COURT: Thank you.

22 MS. MANNIX: And I may state for the
23 record --

24 THE COURT: No.

1 MS. MANNIX: -- that I've never done anything
2 wrong, that I've lost over a million dollars,
3 I've lost my reputation and career through
4 criminal defamation and that my children have
5 been irrefutably damaged by --

6 THE COURT: And not one iota is your fault
7 and it's all somebody else's fault.

8 MS. MANNIX: Your Honor, I don't know what
9 you're talking about. I have done nothing but
10 lawfully try to get my rights and my children's
11 rights met in a court that is allegedly operating
12 outside of the law. And my son Kevin almost died
13 because of your direct actions.

14 THE COURT: Am I on his death certificate?

15 MR. ASHER: We'll prepare an order.

16 THE COURT: I don't know whether we need you
17 anymore.

18 Do we have anything further?

19 MR. ASHER: No, I have nothing further, your
20 Honor.

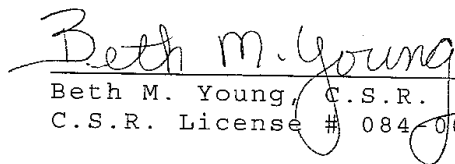
21 MR. WESSEL: You just want to give service.

22 MR. ASHER: I would like to give service on
23 her.

24 * * * * *

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF KANKAKEE)

4 Beth M. Young, being first duly sworn,
5 on oath, says that she is the court reporter who
6 reported in shorthand the proceedings had at the
7 hearing of said cause, and that the foregoing is
8 a true and correct transcript of her shorthand
9 notes so taken as aforesaid. So signed and dated
10 this 18th day of February, 2007.

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12
13 
14 Beth M. Young, C.S.R.
15 C.S.R. License # 084 003918
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