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C. MICHAEL HELTSLEY	4
BEN JENNESS	10
KARL FARNHAM, JR.	13
DEBRA HELTSLEY	18
RULING OF THE COURT	22

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1 (Court convened at 2:30 p.m.)
2 THE COURT: We're here in Edgar County case 14 OP 8,
3 C. Michael -- is it Heltsley?
4 MR. HELTSLEY: Heltsley.
5 THE COURT: Heltsley. Okay. You printed some
6 things that I didn't quite -- couldn't quite read. And
7 that's not unusual. I do the same thing, and my
8 handwriting and printing isn't always the best. I may
9 ask you about some of these things as we go along here,
10 some words that I can't pick out.
11 All right. C. Michael Heltsley is petitioner.

12 Debra A. Heltsley is a protected person noted on this
13 petition. Robert -- is it Bogue?

14 MR. HELTSLEY: Bogue.

15 THE COURT: -- Bogue, B-o-g-u-e, is the respondent.
16 Is Mr. Bogue here today? He's not here. All right.

17 Mr. Heltsley, you filed this verified petition for
18 stalking/no-contact order. You filed that yesterday,
19 and we're handling it on an emergency basis today.

20 I'm Judge Everhart, a Fifth Judicial Circuit
21 circuit judge, and I'm here to hear this matter today.

22 Do you have any witnesses you wish to call, sir?

23 MR. HELTSLEY: Well, I've got a number of witnesses.
24 Yes, sir.

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1 THE COURT: Okay. I will hear -- and I presume you
2 want to testify; is that correct?

3 MR. HELTSLEY: Yes, sir. Whatever is convenient for
4 you.

5 THE COURT: Well, I'm not going to tell you how to
6 direct your case. You're going to tell me who's going
7 to testify, and I'll swear them in and hear their
8 testimony. And I presume you want to testify. I'll
9 swear you in and hear you. So you tell me how you wish
10 to proceed.

11 MR. HELTSLEY: I'd like for Karl Farnham, Jr., to
12 testify, and I would like for Ben Jenness to testify,
13 and I would like for my wife to testify.

14 THE COURT: All right. And your wife's name is
15 Debra?

16 MR. HELTSLEY: Debra.
17 THE COURT: And you're testifying?
18 MR. HELTSLEY: Yes.
19 THE COURT: All right.
20 Do you wish to testify first?
21 MR. HELTSLEY: Yes.
22 THE COURT: All right. Please stand and raise your
23 right hand.
24 (witness sworn)

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1 C. MICHAEL HELTSLEY,
2 called as a witness on his own behalf, being duly sworn,
3 was examined and testified as follows:
4 EXAMINATION
5 BY THE COURT:
6 Q Would you state your name, please.
7 A C. Michael Heltsley.
8 Q And you're the petitioner in this verified
9 petition for stalking/no-contact order; is that correct?
10 A Yes, sir.
11 Q All right. The protected person is identified
12 as your wife, Debra Heltsley?
13 A Yes.
14 Q And the respondent is Robert Bogue, B-o-g-u-e.
15 Is that accurate?
16 A Yes, sir.
17 Q All right. Mr. Heltsley, you filed this

18 petition yesterday. I'm going -- and you prepared a
19 document indicating what transpired which you believe
20 constitutes a valid petition for stalking/no-contact
21 order. I'm going to ask you what you wish to address by
22 way of the occurrence that you have identified in your
23 petition. What has occurred that caused you to file
24 this petition, sir?

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1 A Well, twice Mr. Bogue has -- during a county
2 board meeting, Mr. Bogue has got up out of his chair and
3 approached me personally. The first time, I believe,
4 was in November at a -- what we call a study session,
5 which is an organized meeting of the board.

6 Q Are you a member of the board, sir?

7 A Yes, sir, I am.

8 Q And is that the Paris -- I'm sorry -- Edgar
9 County?

10 A Edgar County.

11 Q Is Mr. Bogue a member of the Edgar County
12 Board?

13 A No, sir. He is not.

14 Q He was attending a board meeting?

15 A Yes, sir.

16 Q All right. You said the first incident was
17 November. What happened?

18 A Mr. Bogue was sitting in the room. And I'm
19 not exactly sure what it was, but I said something, and
20 I asked a question.

21 And he told me, "Do not point your finger at
22 me."

23 And I said, "I'll point my finger at anybody I
24 want."

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1 And he got up out of his chair and approached
2 me at the conference table.

3 Q Okay, now, wait a minute. You were at a
4 conference table with other board members.

5 A Uh-huh.

6 Q You said something.

7 A Uh-huh.

8 Q And then Mr. Bogue said, "Do not point your
9 finger at me."

10 A Uh-huh.

11 Q Did you point your finger at him?

12 A I think I did, yes.

13 Q And then his response was, "Do not point the
14 finger."

15 A "Do not point your finger at me."

16 Q And then your response was, "I can point my
17 finger if I want to." I'm not trying to restate it.
18 I'm just trying to understand what happened.

19 A And then he got up and approached me. And one
20 of the other board members told him to sit down and calm
21 down, and he went back and set back down. And there was
22 some more conversation. I couldn't quote what it was,

23 but back and forth between me and him and maybe some of
24 the other board members.

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1 And then, as soon as we broke, I left. I was
2 upset enough that I didn't want to be -- I didn't want
3 him to continue antagonizing me in the board.

4 Q How did he continue to antagonize you after
5 that first episode?

6 A Just staring at me and looking at me.

7 Q So he just stared at you, didn't say anything?

8 A Uh-huh.

9 Q Is that a "yes"? I'm sorry.

10 A Yes. Yes.

11 Q I'm sorry. Go ahead, sir.

12 A And then the second incident was --

13 Q That was the end of the first incident?

14 A Yes.

15 Q All right. Tell me about the second incident.

16 A The second incident was -- I believe it was --
17 it was a week ago from last Monday. We were in a
18 board -- in the same room, in a study session where I
19 believe all the board members were there. And we were
20 discussing airport issues, which Mr. Bogue is very much
21 involved in.

22 And I turned around and asked him if -- when he
23 would have his airplanes out of the hangar. We're
24 anticipating making some changes in our rental things at

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1 the hangar. And he said it was none of my business.

2 And I said, "well, I'm an elected official in
3 the county board, and it is my business."

4 And then he jumped up, and he came walking over
5 and got right -- his nose was an inch from mine -- and
6 started spitting when he was talking and called me
7 several names and uttered several expletives.

8 And I told him to sit down. And he said he
9 didn't have to do anything; he could do whatever he
10 wanted; and he didn't have to sit down and he didn't
11 have to shut up.

12 So we went round and round. I told him to sit
13 down, be still. And another guy in the room jumped up
14 and, I felt like, came over to defend Mr. Bogue. And I
15 don't think I ever got out of my chair. I just set
16 there.

17 I felt -- you know, at that time I didn't
18 know -- there's no searching of anybody or there's no
19 security in there at all. There was no deputy. There
20 was nobody there at that meeting. We had --

21 Q Just like today in this courtroom.

22 A Exactly.

23 Q All right. Go ahead.

24 A And we -- we were, I felt, very much like -- I

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1 thought he was going to hit me. I didn't know if he,
2 you know -- I think he's very unstable. And I think
3 eventually it's going to come to the point where he's
4 going to try to do physical harm to me or my wife or
5 other board members.

6 Q Okay. Anything else, sir?

7 A well, I can add that I've been in law
8 enforcement a good number of years. I'm not now. But I
9 think I've been trained pretty well to spot people that
10 have issues like that and how to handle people with
11 issues like that. And I honestly believe that this guy
12 is just an accident waiting to happen.

13 Q Anything else, sir?

14 A No, sir.

15 THE COURT: Thank you, sir. You may step down. You
16 may call your next witness.

17 MR. HELTSLEY: Ben Jenness.

18 THE COURT: All right. Ben Jenness. You'll have to
19 help me with your last name. Spell it.

20 MR. JENNESS: J-e-n-n-e-s-s.

21 THE COURT: All right. Mr. Jenness, raise your
22 right hand, sir.

23 (witness sworn)

24 THE COURT: Mr. Heltsley, you may ask questions.

2 called as a witness on behalf of petitioner, being duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. HELTSLEY:

6 Q Mr. Jenness, are you the chairman of the Edgar
7 County Board?

8 A Yes, I am.

9 Q And were you present in the altercation that I
10 described earlier?

11 A Yes, I was.

12 THE COURT: which one did you describe? Are you
13 referring to the November or the one that happened after
14 November?

15 MR. HELTSLEY: The November one.

16 THE COURT: Thank you.

17 Q The first one.

18 A Yes.

19 Q Okay. What can you tell me that happened?
20 What did you see at that particular time? Do you
21 remember?

22 A What you said. There was a question asked.
23 And I don't remember what -- I'm sure it was about the
24 airport or something, but there was something. And you

1 asked a question to Mr. Bogue and pointed your finger, I
2 guess. Anyway, that's what transpired. And he
3 was -- got upset and got up and -- and confronted you.

4 Q And did I -- did I do anything violent, or did
5 I -- did I do anything that would have provoked him to
6 get up and come over? Did you see an issue where I
7 would have been aggressive towards him at that time?

8 A No, I did not.

9 Q Okay. On the second time, which was a week
10 ago from Monday, did -- could you tell us what you saw
11 then?

12 A well, like you said in your testimony, you
13 asked him -- actually, we were discussing -- as you go
14 around the room, I think it was. Karl's chairman. Karl
15 Farnham's chairman of the airport committee. And we go
16 around the room and whatever they've got in their
17 committees. And it was his -- his speaking. And we was
18 talking about the possible leasing of the airport main
19 hangar.

20 And Mike asked Mr. Bogue if -- if he knew when
21 they was going to be out of that hangar, because we need
22 it. Anyway, that's when he said, "It's none of your
23 business."

24 And Mike started to say, "Yes, it is my

1 business as a county board member and because of what
2 we're doing." And that's when Mr. Bogue got up and went
3 over and cussed him out, and then. . .

4 Q How close would you say Mr. Bogue was to me
5 when he came over?

6 A well, he was right in your face.

7 Q And did you -- did you at that time -- did you
8 think that I was going to be -- was I in danger of
9 receiving a battery, or was I in danger of --

10 A Truthfully, I didn't know what was going to
11 happen. And after the other guy, John Kraft, got up and
12 came over there, that's when I said, "Everybody needs to
13 sit down and shut up, or I'm going to clear the room."

14 And after that, they did do that. They set down.

15 Q Did you -- did you see any more violence out
16 of Mr. Bogue after that, that I wasn't present to? Or
17 did you see -- did you hear him say anything, or did you
18 hear any threats or anything that he made after that?

19 A No, I didn't.

20 Q Okay.

21 THE COURT: Is that all?

22 MR. HELTSLEY: Yes, sir.

23 THE COURT: Thank you. You may step down.

24 Next witness?

1 MR. HELTSLEY: I call Karl Farnham, Jr.

2 THE COURT: All right, Mr. Farnham, if you'll come
3 forward and raise your right hand, sir.

4 (witness sworn)

5 KARL FARNHAM, JR.,

6 called as a witness on behalf of petitioner, being duly
7 sworn, was examined and testified as follows:

8 DIRECT EXAMINATION

9
10 Q Mr. Farnham, you are a member of the Edgar
11 County Board?
12 A Yes.
13 Q How many years?
14 A How many years on the Edgar County Board?
15 Q Yes.
16 A Three, I believe.
17 Q And how many years were you sheriff of this
18 county?
19 A Twelve years.
20 Q And how many years were you a deputy before
21 that?
22 A Thirteen, fourteen.
23 Q Okay.
24 A Twenty-six years of law enforcement.

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1 Q And where were you sitting -- or let me
2 rephrase that.
3 Do you recall around in November -- I'm
4 just -- I'm pretty sure it was in the month of November
5 when -- the first incident we discussed, where Mr. Bogue
6 was present, and he and I had a disagreement?
7 A I vaguely remember it. I don't remember a lot
8 of the details. I just remember something about the
9 finger pointing.
10 Q Okay. And do you remember seeing him get up
11 out of his chair and approach me?

12 A Yes.

13 Q Okay.

14 A I'm not sure how far he came, but he did stand
15 up and make maybe a step or two, at the most. And you
16 were probably 15 feet apart, to begin with. He was --
17 where you sit, where he was sitting, was approximately
18 15. He might have took a step or two, but that's about
19 it.

20 Q Okay. Then the second incident that happened
21 on the Monday here a week ago, do you remember -- where
22 were you sitting there?

23 A I was sitting directly across the conference
24 table from you, at the end.

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1 Q And do you recall what sparked that incident?
2 I mean in not exact words, but just basically what
3 happened?

4 A We'd been talking for probably five minutes
5 about airport issues. And I'd asked you several
6 questions, and you were providing information to the
7 whole board. And then towards the end of the
8 conversation, you turned towards Mr. Bogue, who was
9 setting kind of behind you and down to the other end of
10 the room.

11 And you asked him -- very politely, I thought,
12 respectful -- "Mr. Bogue, when do you anticipate that
13 you will be out of the main hangar with the airplanes?"

14 And he said, "It's none of your business." He
15 stood up.

16 And you said, "I think it is my business."

17 And then he started walking towards you. And
18 he came -- well, right up to where you were sitting and
19 bent down and probably was within six inches of your
20 face and made several comments, said several unnecessary
21 words, expletives. And then he kind of backed off and
22 stood there.

23 And, you know, you told him to go back and sit
24 down. And he basically said, "I didn't have to." And

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1 there was another conversation or two. I don't remember
2 the exact details of the conversation.

3 But then Mr. Kraft stood up and said, you
4 know, he didn't -- 'cause something was said, 'cause he
5 was saying cuss words. And you told him that wasn't
6 appropriate. And Mr. Kraft, I think, he begged to
7 differ, that he thought it was okay.

8 And at some point -- well, I'll back up just a
9 second. As Mr. Bogue was coming towards you,
10 Mr. Bruner, who is another county board member, was
11 there. And he kind of tried to hold Rob back, as Rob
12 approached you. He was still setting. He tried to hold
13 him back. But he continued on within six inches of your
14 face.

15 And then eventually the conversation stopped
16 between you and him. And Mr. Kraft grabbed Rob and

17 said, "Come on. Come back here."

18 And he said he wasn't going to sit down 'cause
19 there's no law that says that he has -- can't stand up
20 during the meeting.

21 And then that's when Mr. Jenness, the county
22 board chairman, stated that, you know, that was enough;
23 if he had to, he was going to clear the room. And then
24 finally at that point Mr. Bogue sat down.

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1 Q Okay. Do you -- do you think Mr. Bogue
2 would -- could do -- or would be in a position or would
3 do violence to me, if he could? Is there a -- do you
4 feel like he's a -- could. . .

5 A You know, I don't know what he's thinking. I
6 just know this has been an ongoing controversy with the
7 Bogues and the county board over the airport situation
8 for some time, close to a year. I've seen, over the
9 last several months, Rob's reaction to the situation and
10 the county board escalating.

11 I've always been able to have conversation with
12 Rob, and, you know, I'm a good listener. And -- but I
13 know this -- earlier this winter, me and him had a
14 conversation out in front of the county board -- or
15 county highway office. And, you know, I guess he'd been
16 complaining about our airport manager.

17 And I told him out front, I said, "Give us
18 something in writing."

19 And he just come unglued. Just, boom, instant
20 anger and got very emotional and finally said, "I can't
21 handle any more." He went, got in his car, spun rocks,
22 and took off out of the road, and off he went.

23 So I've seen an escalation of his emotions
24 over recent times, the last several months. And, you

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1 know, whether he's going to do anything violent, you
2 know, I can't predict what he might do. But I've seen
3 an escalation in his reactions to a lot of these
4 different things.

5 Q Right. In all your years of law enforcement,
6 you wouldn't take this idly. You'd be concerned?

7 A I'm concerned --

8 Q Right.

9 A -- that someone's going to -- could possibly
10 get hurt.

11 Q Okay. Well, I think that's all the questions
12 I have for you.

13 THE COURT: You may step down, sir. Thank you.

14 Anybody else, sir?

15 MR. HELTSLEY: I'd like to call my wife to the
16 stand.

17 THE COURT: All right. Ms. Heltsley, if you'll raise
18 your right hand.

19 (witness sworn)

20 DEBRA HELTSLEY,

21 called as a witness on behalf of petitioner, being duly

22 sworn, was examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MR. HELTSLEY:

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1 Q Immediately after, on that Monday -- let me
2 back up. Where do you work at?

3 A At Horace Link Furniture.

4 Q And that's a store that's just down the street
5 from the courthouse.

6 A Yes.

7 Q Okay. Do you remember the day in question,
8 that Monday, I called you and talked to you about Rob,
9 and I said we'd had an altercation?

10 A Yes.

11 Q And then did Mr. Bogue come into the store
12 where you work?

13 A Yes, that afternoon.

14 Q And can you tell me, did you think it was
15 strange, or did you think it was -- did you -- what was
16 your. . .

17 A It scared me when he walked in the door,
18 because he never comes to the store.

19 THE COURT: What store is this?

20 WITNESS: Horace Link Furniture.

21 THE COURT: A public place?

22 WITNESS: Yes. Yes.

23 THE COURT: All right.

24 A But especially after hearing Michael's story

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1 and he come walking in. It did startle me.

2 Q And what did he say to you?

3 A He walked -- I was the only one in the store
4 at the time, 'cause everybody was out to lunch. So I
5 stood by my desk, and he walked up to me and he goes,
6 "Do you know who I am?"

7 And I said, "Yes, I do."

8 Q And you knew -- your relationship -- you went
9 to high school with his wife?

10 A wife, uh-huh.

11 Q And you knew Rob on sight.

12 A Yes.

13 Q Okay. Then what happened?

14 A So he goes, "Okay" after he asked me if I knew
15 him and I said, "Yes, I do." And he goes -- he kind of
16 snickered to himself, and he goes, "Well, I'm passing
17 these out about the airplane, the \$10,000 reward." And
18 he goes, "Do you have a problem with me putting this in
19 the window?"

20 And I go, "No, I don't have a problem. No,
21 none at all."

22 "Okay. I just wanted to make sure you didn't
23 have a problem with me putting this in the window."

24 And I go, "We don't have a problem."

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1 And he left it with me.

2 Q Did he say anything else to you before he
3 left?

4 A He turned around and looked at me, and he
5 goes, "You look mighty fine today" -- which I just kind
6 of turned around and walked back to my desk. I didn't
7 know what to say.

8 Q Okay. So do you feel, at this time, from that
9 experience and from other experiences I've shared with
10 you, that Mr. Bogue might be a threat to me or to you?

11 A I'm afraid of him for you or any of the other
12 board members.

13 Q Okay. Thank you very much.

14 THE COURT: Thank you, ma'am.

15 Anybody else, sir?

16 MR. HELTSLEY: No.

17 Do I have a chance to bring any other facts to
18 light, or have I already had my shot?

19 THE COURT: Well, you testified about the two
20 episodes. Did you forget something you wished to
21 indicate to the Court?

22 MR. HELTSLEY: Well, yes, I would. And I don't know
23 quite how to handle it, because there might be a
24 conflict of interest. But the state's attorney was

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1 accosted by this gentleman at an earlier meeting.

2 THE COURT: Well, I'm not here to hear anything
3 about the state's attorney. I'm here to hear your case.

4 MR. HELTSLEY: Okay.

5 THE COURT: If it pertains to those two episodes,
6 I'll hear it. If it doesn't pertain to those two
7 episodes, it's maybe better for another day. If you
8 have any more about those two episodes, I'll be happy to
9 hear it.

10 MR. HELTSLEY: I don't think so, Your Honor.

11 THE COURT: I'm going to take about a 15-minute
12 break. I'm going to make a quick call to my office, let
13 them know I won't be back before they close. About 3:15
14 I think I'll have everything accomplished that I need to
15 here.

16 MR. HELTSLEY: Do the witnesses need to stay?

17 THE COURT: The witnesses may stay if they wish. If
18 they have other things they want to do and want to move
19 on, they may.

20 MR. HELTSLEY: Okay. Thank you.

21 THE COURT: Be back about 3:15 then.

22 (recess from 2:54 to 3:09 p.m.)

23 THE COURT: All right. I had an opportunity to
24 consider the testimony I heard, and I had an opportunity

1 to reexamine some of the statutes that I needed to
2 examine in connection with this particular case.

3 Now, the authority to issue a stalking/no-contact
4 order is found in 740 ILCS 21-1. The definition of
5 stalking is relatively narrow. Stalking refers to a
6 course of conduct, not a single act. Generally the
7 conduct refers to one conducting surveillance of another
8 person. That's what we customarily see in connection
9 with a stalking case -- appearing at one's home;
10 appearing at one's business; appearing at one's work, at
11 one's school; making unwanted telephone calls, unwanted
12 texts, unwanted e-mails.

13 Generally, when you see a stalking case, you see
14 the following language. You see someone monitoring
15 someone else over a period of time -- not a single act,
16 but a course of conduct; observing as a distance,
17 surveilling, interfering with one's property, appearing
18 without invite at one's property. So generally the
19 language you'll see in stalking cases are the following:
20 appearing, approaching, entering, interfering.

21 Here we have a respondent who would appear to be
22 where he had a right to be, at a public meeting.
23 Stalking does not include an exercise of free speech,
24 however unwelcome that speech might be. The conduct

1 described today does not fit the definition of stalking.

2 Now, what the conduct may fit, of course, is
3 disorderly conduct. It may fit assault, the
4 apprehension of receiving a battery. These are matters

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5 to be addressed by law enforcement. So after these
6 episodes, conceivably one could make a complaint to the
7 proper law enforcement authorities and allege that there
8 was action constituting disorderly conduct or an
9 assault.

10 And, of course, if law enforcement wishes to
11 proceed further, they could take all the statements they
12 obtained at the meetings. And if they believed that a
13 crime was committed, they would be able to address that
14 with the state's attorney of the county where that
15 occurred.

16 So my decision is that the stalking/no-contact
17 order is not the proper vehicle to address the matters I
18 heard today. There are other vehicles available, and I
19 think I addressed those. But this does not fit the
20 definition of stalking under 740 ILCS 21-10.

21 All right. Any questions, sir?

22 MR. HELTSLEY: No, sir.

23 THE COURT: All right. Thank you, sir.

24 (Court adjourned at 3:13 p.m.)

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1 IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
2 EDGAR COUNTY PARIS, ILLINOIS

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6 I, Barbara Cash, CSR, RDR, Official Court
7 Reporter, do hereby certify that the foregoing is a true
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8 and complete report of the proceedings had in said cause
9 on February 7, 2014, before Millard S. Everhart, Circuit
10 Judge.

11 Dated this 10th day of February 2014.

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CSR No. 84-1491

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