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Daily Law Bulletin

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Boyfriend properly added to divorce case: court

By Stephanie Potter
Law Bulletin staff writer

A Cook County judge should have held an evidentiary hearing before entering a permanent injunction barring a man from having contact with his girlfriend's children, the 1st District Appellate Court held Wednesday.

But the court did have jurisdiction to add the boyfriend as a third-party respondent to post-decree hearings in his girlfriend's divorce case, the court ruled.

In a 14-page opinion, the appeals court affirmed in part and reversed in part rulings by Cook County Circuit Judge Barbara Ann Riley.

Writing for the court, Justice David A. Erickson said "it is settled law that a permanent injunction may be entered only after the party seeking the injunction demonstrates 'at a hearing on the

merits' " the requisite elements for relief. *American National Bank & Trust Co. of Chicago v. Carroll*, 122 Ill.App.3d 868, 881 (1984).

The case involves a custody dispute between Randal and Colleen P. Seffren, now known as Colleen Foley, who divorced in 1997. Randal Seffren later sought to add Keane Taylor, Foley's live-in boyfriend, to the case as a third-party respondent and to enjoin Taylor from having any contact with the children or from living in Foley's Deerfield home, the opinion said.

At the time of the divorce, Seffren and Foley entered into a joint parenting agreement establishing that their two children would reside with each parent on alternating weeks.

The daughter is now 15 and the son 13, according to court records.

In May 2004, Seffren filed an emergency petition seeking to suspend Foley's parenting time, alleging that visiting with Foley while Taylor was present endangered the "physical, mental, moral or emotional health of the children and that the children were afraid of Taylor," the opinion said.

Seffren also alleged that Taylor had entered Foley's home by breaking a window after she had tried to keep him out, and that his daughter was home when this occurred. Attached to the petition were reports from the children's psychiatrist stating the children were depressed and anxious because of Taylor's presence in the home.

Riley entered an order terminating the alternating parenting schedule and ordering that the children reside with Seffren until Taylor had left Foley's home.

In June 2004, Seffren filed a motion to add Taylor as a third-party respondent, saying Foley had disregarded the court's previous orders. Riley granted the motion.

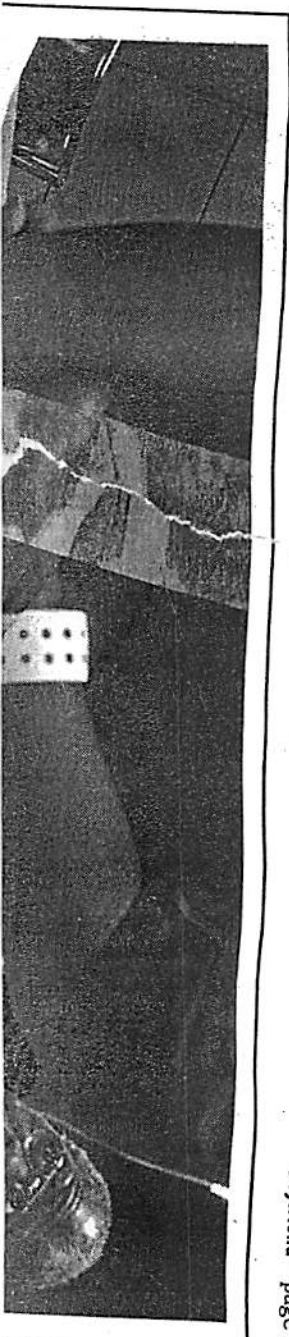
As the case proceeded through the system, another judge granting Seffren a temporary restraining order prohibiting Taylor from having contact with the Seffren children. A third judge entered an agreed order resuming the alternating parenting schedule between Foley and Seffren.

But on July 30, 2004, Seffren filed another petition to suspend Foley's parenting time, saying that Taylor had recently been at her home and erased messages from his daughter's answering machine.

On Aug. 25, 2004, the parties presented their case to Judge Riley. **Boyfriend - page 24**

New rules on hospital bills OK'd by gov

By Brian Mackey



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"Seemingly everyday items that are not manufactured with the intent to hurt someone can be used to do that by a juvenile who is thinking that way," Trent said.

Forty miles west of Chicago in DuPage County, jailed youths can keep hardcover books and pencils in their rooms. They can also borrow up to three books at a time from the school's library.

"That's our major and only source of contraband: kids having too many library books in their rooms," said Bernard Glos, superintendent of the Wheaton facility.

The DuPage County detention center switched to a less restrictive environment with an "intense behavior modification program" following an expansion in 1999.

"One of the problems we have in our society is we have built juvenile detention centers in the adult, Supermax model," Glos said. "We have designed juvenile detention centers as if they are the worst of the adult offenders.... We have to focus on them as kids, not as superpredators."

If the children at Cook County's center end up in the custody of the Illinois Department of Corrections, they are allowed to keep basic school supplies in their living units.

Roger Williams, acting superintendent of IDOC School District 428 in Sangamon County, said the youths can have textbooks and pencils but not three-ring binders, spiral-bound notebooks and other metal objects.

Adams said the policies at Cook County don't appear to be preventing kids from getting excited about learning. A recent online course offered in the school's computer lab proved very popular, said Kenya Johnson, an

Boyfriend

Continued from page 1

ed arguments regarding that motion, as well as Taylor's motion to dismiss himself from the case for lack of jurisdiction and Seffren's petition for an injunction against Taylor.

Taylor was not present and contends the case was set only for a status hearing on that date. At that hearing, presided over by Riley, Taylor's attorney argued that the court lacked jurisdiction over his client because he was not a party to the original divorce proceeding and that the case should be dismissed for lack of venue.

An attorney who had been appointed to represent the children, Helen Sigman, told Riley the parties enjoyed the alternating parenting schedule and that the only issue was Foley's inability to keep Taylor away from the children.

Taylor's attorney objected to the entering of an injunction against Taylor without a hearing.

According to the opinion, Riley responded, "[A] hearing on what? They are not his children. It is not his home."

She went on to say, "[W]hat could he possibly say in regard to his ability to have contact with somebody else's children? ... It's not like he's being accused of wrongdoing."

Riley then permanently enjoined Taylor from having any contact with the Seffren children and prohibiting Foley from allowing Taylor contact with the children or access to her home.

But the appeals court found Taylor should have had a chance to respond to Seffren's allegations and that "the procedures undertaken by the Circuit Court in this case were improper."

Minor crimes

Continued from page 2

"I thank God every day for the United States," he said. "It allowed me to make enough money to have a decent life."

As to jurisdiction, the appeals court found the lower court had jurisdiction over both the parties and the subject matter.

The appeals court held that Riley properly added Taylor as a third-party respondent. Section 403(d) of the Illinois Marriage and Dissolution of Marriage Act allows the circuit court to join additional parties in dissolution proceedings, Erickson wrote. Further, although the joinder of third parties is not addressed in a post-decree context, section 2-406 of the Code of Civil Procedure provides a method for people to be brought into cases as third parties, he wrote.

Justices Thomas E. Hoffman and Themis N. Karnezis concurred in the opinion.

Taylor's attorney, Richard H. Marcus, a staff attorney at the Family Law Clinic at Chicago-Kent College of Law, said he did not plan to appeal the jurisdictional portion of the ruling, but would proceed with an evidentiary hearing.

"We were just most concerned about him having his day in court," Marcus said.

Marcus said he did not know if his client was still involved with Foley.

Randal Seffren was represented on appeal by Stuart Berks and Leon E. Farbman of Deutsch, Levy & Engel Chtd. The children were represented by Natalie M. Stec of Helen Sigman & Associates Ltd.

The case is *In re Marriage of Seffren*, No. 1-04-3775.

E-mail: spotter@lbpc.com

Terror case

Continued from page 1

Prosecutors argued that most of the specifics were being turned over already, mainly in the form of more than 225 key phone intercepts. And there were 80 specific illegal acts alleged in the indictment, said Brian Frazier, an assistant U.S. attorney.

"What is terrorism but a random act of violence? It means anyone could be a victim at any time," Frazier said.

Earlier Tuesday, another federal judge heard arguments from Hassoun's lawyers seeking to suppress evidence seized by the FBI from his Broward County home in 2002, saying the FBI "frightened and intimidated" his wife before seizing a handgun and other key evidence such as documents in Arabic and videotapes.

Calendar

Continued from page 5

JULY 31

A Roadmap Through Divorce Proceedings

Sponsor: National Business Institute
9 a.m.-4:30 p.m. Hyatt Regency Chicago On
The Riverwalk 151 E Wacker Dr
Info: 800-930-6182; fax: 715-835-1405

AUGUST 1

Executive Committee Meeting

Sponsor: DuPage County Bar Association
Noon Library
Info: 630-653-7779; fax: 630-653-7870

AUGUST 2

Seminar - Adoption and Custody

Sponsor: Lesbian & Gay Bar Association of Chicago
6:30 p.m. Merlo Branch of the Chicago
Public Library 644 W Belmont
Info: 312-807-4401

AUGUST 8-12

Patent Bar Review 2006

Sponsor: Practising Law Institute
9 a.m. John Marshall Law School
\$2,495
Info: 800-260-4PLI

inmate, Mara del Carmen Ramirez, 29, said immigration agents determined that she had no legal documents in a screen-

1/20/94

Wallace draws prison sentence of eight years

By MARK SPENCER
STAFF WRITER

The Chicago man convicted last month of killing 34-year-old Irene Jefferson at her Rand Grove Apartment in Palatine Township has received an eight-year prison sentence.

Tyrone Wallace, 31, was initially charged with first-degree murder for shooting Jefferson in the head with her own gun during an argument at a party in her apartment in December 1992.

Cook County Associate Judge Richard A. Kavitt found Wallace guilty of second-degree murder after Wallace's attorney Paul W. Plotnick argued at trial that it was Jefferson who produced the weapon.

Apology to family

Wallace took the stand before his sentencing Jan. 3 and apologized to the family for the crime and insisted he had not meant to kill Jefferson.

In Illinois, a second-degree murder conviction carries a prison sentence of between four and 15 years.

Plotnick asked that charges be reduced to involuntary manslaughter and that Wallace receive proba-

tion, while Cook County Assistant State's Attorney Cathy Nauheimer asked for the maximum 15-year sentence.

Kavitt chose a middle ground in handing down Wallace's 8-year sentence.

In the one-day bench trial last month, witnesses testified that Wallace was an uninvited guest at the party and Jefferson became upset when he propositioned one of her female guests.

When he refused to leave, Jefferson went to her bedroom and returned with a gun concealed under a sock and again told him to leave, witnesses testified.

After a struggle, witnesses said Wallace gained control of the gun, climbed atop the couch and shot Jefferson in the head.

There was also testimony that party-goers had been drinking and using cocaine.

Appeal likely

An appeal will be filed, but Wallace's case will now be handled by the State Appellate Defender's Office, Plotnick said.

Wallace was being held in Cook County Jail before being transferred to the Illinois Department of Corrections.

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King initially offered his wife \$350,000, but she demanded \$2.5 million, said Assistant U.S. Attorney James Conway, who coordinated King's Dec. 15 arrest.

Dennis King, who lives at 1620 Bayside Court in Hoffman Estates, owns Spanel International Corp. and holds the patent on the Barbermaster, a home hair-cutting system.

In statements contained in the FBI agent's affidavit, King called his nephew and discussed distancing himself from the crime through a staged holdup at the Palatine jewelry store where Frances King

Chicago area, one to "size up the operation" and the second to do the crime. He changed his initial offer, promising \$20,000 to the killer and \$5,000 to John King for the introduction.

At one point, John King asked his uncle how the murder should be done.

"I don't care ... if it's a carjacking or it's just a jewelry holdup," Dennis King allegedly responded.

Dennis King also told his nephew he owned a .357 gun and a .38 Special that could be used in the killing and discarded, the FBI agent stated.

(Continued on page 79)

Killing results in second-degree murder conviction

By MARK SPENCER
 STAFF WRITER

A Chicago man was convicted last week of killing a Palatine Township woman during an argument in her Palatine Township apartment last December.

Tyrone Wallace, 30, was originally charged with first-degree murder for shooting 34-year-old Irene Jefferson in the head with her own gun at her Rand Grove Apartment on Dec. 4, 1992.

In a one-day bench trial on Dec. 14, Circuit Judge Richard A. Kavitt convicted Wallace on the lesser charge of second-degree murder, which carries a four- to 15-year prison sentence.

Cook County prosecutors said Wallace went to Jefferson's apartment during a small party the night of the killing. When Jefferson asked him to leave, he refused. An altercation ensued, and Wallace eventually shot Jefferson with her own gun.

Wallace testified that Jef-

erson was angry with him because he propositioned one of her guests.

Eyewitness' story

Rebecca McGee, a guest at the party and a witness to the killing, testified that Jefferson got a gun from the bedroom, covered it with a sock and used it to try to force Wallace to leave the apartment.

After a struggle, Wallace took the gun from Jefferson, climbed atop the couch and shot Jefferson in the head, McGee testified.

McGee also said that partygoers had been drinking and using cocaine.

Defense attorney Paul Plotnick argued that Wallace was not the aggressor and did not premeditate the murder because he did not bring the gun to the apartment.

Wallace, who remains in the Cook County Jail, will be sentenced Jan. 3. Plotnick said the case will likely be appealed.



Read assist

Tom Noesges helps second-grader Meg out loud during a visit to Stuart R. Pa week. Noesges and other seniors from Residences who visit the school regularly helping hand during their reading classes.

12/23/93

missioner Carl Hansen said
something illegal about Palella's

said. The Palatine Rural Fire Protection District
has hauled my body ... I had a medical emer-
gency, and I was satisfied (with the response)."

Rand Grove murder suspect arrested

By ROBERT LOERZEL
STAFF WRITER

Police arrested a Chicago man on Saturday who was wanted on charges of murdering Palatine Township resident Irene Jefferson on Dec. 4.

Investigators with the Cook County Sheriff's Police are pursuing the theory that Tyrone Wallace, 30, of 1132 N. Lawndale Ave., Chicago, killed Jefferson during an argument about a government welfare check, said Lt. James Deasey.

Sheriff's officers received a tip that Wallace was going to be at a particular location in Chicago on Saturday, Deasey said. Wallace showed up, and police took him into custody.

Wallace did not resist the police or attempt to escape, and he is now being held in Cook County Jail on \$2 million bond, Deasey said.

One of Jefferson's neighbors at the Rand Grove Village apartments on Old Hick Road in northeast Palatine Township said Jefferson and Wallace were arguing about a welfare check when the murder took place Dec. 4.

The neighbor, who requested anonymity, said she has spoken to several people who were inside the apartment when the killing occurred.

The neighbor said a member of Wallace's family had allegedly stolen someone else's welfare check, and then had given the check to Irene Jefferson and asked Jefferson to cash it.

Jefferson, who was 34, tried to cash the check at a currency exchange, but she was unable to, the neighbor said. When Jefferson told Wallace's relative that she was unable to cash the check, Wallace's relative did not believe her, the neighbor said.

On Dec. 4, Wallace came into Jefferson's apartment along with an acquaintance of Jefferson's. There were already several people in the apartment, police said.

Wallace demanded that Jefferson give him the money from the welfare check — which he believed she was hiding from him, the neighbor said.

Jefferson asked Wallace
(Continued on page 8)

Chorus
unday's holiday concert at Cutting Hall. The chorus
is sponsored by the Palatine Park District.

Richard Bajjalieh/Pioneer Press

12/24/92

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MEMBER FDIC

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70 WEST EUCLID AVENUE
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199 SOUTH RAND ROAD
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(2 blks. N. of Dundee Rd.)
• 25 N. Northwest Hwy.
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6 DAY SALE THURSDAY DEC. 24 THRU TUESDAY DEC. 29

 FLEISCHMANN'S GIN 7.99 1.75 LITER (59.2 oz.) Coupon expires 12-29-92 W/O Coupon 8.99	 JIM BEAM BOURBON 8.99 1.75 LITER (59.2 oz.) Coupon expires 12-29-92 W/O Coupon 9.99	 WOLFSCHMIDT VODKA 7.99 1.75 LITER (59.2 oz.) Coupon expires 12-29-92 W/O Coupon 8.99
EVERYDAY LOW PRICES NO LIMITS SMIRNOFF 80% Vodka COUPON EXPIRES 12-29-92	CANADIAN CLUB SEAGRAM'S V.O. COUPON EXPIRES 12-29-92	JOHNNIE WALKER Red BEEFEATER COUPON EXPIRES 12-29-92

Suspect Continued from page 7

to leave the apartment, then she went into another room and came out with a handgun, the neighbor said.

Police said Wallace wrestled the gun away from Jefferson, shot her once in the head and ran out from the apartment.

Deasey said the police have heard this same story, and it is one of the theories they are investigating. But he's not certain yet whether the welfare check was the real motive for the killing, he said.

"There has been some conversation about that," Deasey said. "We have yet to get all these bits and pieces sorted out."

Referendum Continued from page 5

"There were some people who were in the audience (at the Dec. 14 Village Board meeting) who said there was an inability of the board to reach a decision," Mullins said.

Mullins said she decided to call a meeting as soon as all seven board members were available to attend to resolve the issue. On Nov. 3, a majority of voters said they didn't want Palatine divided into six districts, as it is currently. Instead, they said they wanted to switch to a system of electing village trustees at large.

Police said they believe Wallace raped a different woman at the same apartment complex in Palatine Township about two

I'm still trying to move. The way I look at it, Rand Grove is not going to get any better.

An anonymous Rand Grove resident

weeks prior to the murder. He is being held on \$250,000 bond for the criminal sexual assault charge, Deasey said.

board member who sits next to Wilson, District 1 Trustee Mike Jezierski.

Even though he is an incumbent, Jezierski failed to get the GOP organization's endorsement, and now he finds himself running in the Republican primary against the candidate endorsed by the party organization, Harry Leopold.

on Saturday, investigators for the sheriff's police interviewed Wallace, Deasey said. But Deasey declined to say whether Wallace had confessed or what he had said about the killing.

"We have interviewed him," Deasey said. "We prefer not to say anything else at this time."

Although Wallace is no longer at large, the Rand Grove Village resident who requested anonymity said she still doesn't feel at ease. The woman said she is concerned about the high amount of crime in her neighborhood.

"I'm still trying to move," the woman said. "The way I look at it, Rand Grove is not going to get any better."

Jones said the Republican Party will continue its petition drive, in hopes of knocking the Village Board referendum off the ballot.



SKOKIE REVIEW

August 3, 2000



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WEEKLY DIGEST

Pizza parlor gets reprieve

Horizon Realty, the landlord now fighting a lease battle with Papa Romeo's Pizza, 3939 Dempster St., can't take the restaurant's new freezer and oven equipment, as it did with old equipment last month, a Cook County Circuit Court says.

Judge Julia Nowicki on July 26 granted a preliminary injunction enforcing the ban, Papa Romeo attorney Paul Plotnick said Monday. That should allow the restaurant to stay open while it waits to go to trial with a \$25 million suit against Horizon.

Papa Romeo's four owners contend Horizon is trying to break its lease with them in order to sell the shopping center to another developer. That developer wants to build a 10,880 square foot pharmacy with a drive-through window, zoning for which was approved by the Skokie Plan Commission in June.

Plotnick said the next scheduled court date is September 28. Horizon Realty attorney Lee Weisz did not return a call.

Perlin takes D68 board post

Attorney Richard Perlin was sworn in last week as the newest Skokie District 68 school board member, during the district's regular July board meeting. Board members chose him after interviewing candidates at a special meeting 18.

Perlin, 43, will serve out the uncompleted term of John Bosworth, whose seat was vacated when Bosworth moved out of the district. The term ends in November of 2001 and Perlin said he will probably run for election at that time.

Perlin and his family have lived in the district for six years. He has two children, one at Old Orchard Junior High School and one at Highland School. He has previously served on the district's nominating committee.

He said Monday he asked the School Board to consider him for the vacancy because he was interested in school issues and district decision-making.

Board makes stop-sign change

Installing a stop sign for Park Avenue drivers at Mulford Street should cut down on potential accidents there, Village Traffic Engineer Fred Schattner assured Trustee Don Perille before Perille and other village trustees approved the move at their last meeting.

Perille had worried that drivers heading north and