

Public Records Request - February 14, 2012

Superior Court II Dearborn County, Indiana  
Dearborn County Indiana Courthouse  
215 West High Street  
Lawrenceburg, IN 47025

State vs. Brewington, Daniel  
Cause No: 15D02-1103-FD-00084

Dear Sir/Madam:

I am once again making a request for the audio for the July 18, 2011 Pre-Trial Hearing in the above referenced case, pursuant to the Access to Public Records Act (Ind. Code 5-14-3). Please check your records and contact me if you still cannot locate the audio.

"The Final Pretrial Conference/Bond Reduction Hearing which had originally been set on July 18, 2011 was continued on the State's Motion and no hearing took place on that date. If a telephonic conference with counsel was held on the date, it was merely an effort to reschedule and find an agreeable date and no recordings were made. Therefore, no audio recording exists for July 18, 2011."

I received the amended order file stamped February 2, 2012 denying my request for an audio recording of the July 18, 2011 Final Pretrial Conference/Bond Reduction Hearing. The hearing was two parts: bond reduction and pretrial. F. Aaron Negangard, Prosecutor, Dearborn County, filed a Motion to Continue the bond reduction hearing on June 28, 2011. (See attached) The Motion did not include the Final Pretrial Hearing. The Motion states that Shane McHenry would not be available to testify on July 18, 2011 because he was committed to testify in another court proceeding, *State of Indiana v Lonnie Ray Johnson*, Cause No. 15C01-1006-FC-016.

As of July 18, 2011, according to the CCS record, Judge Brian D. Hill had not ruled on Prosecutor Negangard's Motion. Judge Hill began the "hearing that didn't take place" by taking care of the Bond Reduction Continuance. Judge Hill stated that he telephonically communicated his intention to grant the Continuance for the Bond Reduction Hearing. An Order was filed with the Clerk's office on July 21, 2011, continuing the Bond Reduction Hearing until August 3, 2011. (See attached) After taking care of that business Judge Hill went on with the pretrial hearing portion for the day. The court reporter was present and the entry in the certified CCS is as follows: Final Pre-Trial Hearing; Def W/Atty B Barrett; State by J Kisor;. (See attached).

Nowhere does the record state that the pretrial hearing was continued, postponed, or rescheduled.

Bryan E. Barrett appeared as Counsel for Daniel Brewington and Joseph Kisor appeared representing the State. Bryan E. Barrett also filed his appearance that day to represent Daniel Brewington according to the certified CCS. Among other things, there was discussion about evidence that Mr. Barrett had for the case and the Judge asked Mr. Barrett if he would be ready for trial, beginning August 16, 2011. Mr. Barrett said that he would be ready. It is preposterous to ask a person to believe that there is no court

record from this pre-trial hearing. The pre-trial hearing was held in the Dearborn County Circuit Courtroom on the 2<sup>nd</sup> floor of the courthouse, Judge Humphrey's Courtroom. Sue Brewington, Matt Brewington, and at least 3 other people were there and are willing to sign affidavits saying they were present at the pretrial hearing.

If you choose to deny the request, you are required to respond in writing the name and title or position of the person responsible for the denial.

Thank you for your assistance on this matter.

Sincerely,

Sue A. Brewington

[Redacted signature block]