

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 received a copy of the amended order dated February 2, 2012 denying my public records request for the audio recordings of the grand jury proceedings. I am reiterating my request for the audio recordings pursuant to the Access to Public Records Act (Ind. Code 5-14-3), as I find it to be disingenuous to permit the printed transcript to be released but not the audio of the grand jury proceedings. The audio would permit the average citizen to verify the accuracy of the transcript and not simply rely on the supposed accuracy of the transcription, when someone could miss pertinent portions of the audio when reducing it to the printed word. There is no guarantee or certainty the printed transcript is accurate without the audio tapes.

There is no difference between releasing a printed transcript of the grand jury proceedings and releasing the audio tape of the grand jury because they should be one and the same. As the transcript is part of the public record so should the audio be part of the public record. If the printed transcript is released to the public, why not the audio tape? The inconsistency between releasing the printed version and denying the audio does not protect the public or members of the grand jury. If anything, the release of the entire transcript justifies the release of the audio tape to verify the accuracy of the transcript. I am making a second request for the audio tapes of the grand jury proceedings in the above referenced case. To the extent this request is not acted upon in a prompt manner, I will submit my request to a different governmental body.

This request is not an attempt to intimidate anyone, I am merely attempting to obtain the audio tapes to make sure there is no error in the transcription. I recognize the transcript of testimony of a witness or witnesses before a grand jury may be produced only: (1) for the official use of the prosecuting attorney; or (2) upon order of: (A) the court which impaneled the grand jury; (B) the court trying a case upon an indictment of the grand jury; or (C) a court trying a prosecution for perjury; but only after a showing of particularized need for the transcript." The foregoing coupled with the need to review the document for accuracy, makes a showing of particularized need to insure that when a transcript is released, the transcript is accurate. The court released the grand jury

transcripts so it is axiomatic that the audio be released to insure the accuracy of the grand jury records. If the transcript is released and it is not accurate, it affects the rights of the public and the particular defendant who is the subject of the grand jury proceedings.

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]

[REDACTED]