

CONFIDENTIAL

**STATE OF INDIANA
PRESENTENCE INVESTIGATION REPORT
FACESHEET**

Date Ordered 10-13-11
Date Completed 10-20-11

Warning: This report is confidential according to Ind. Code § 35-38-1-13 and may be released with specific authorization.

COURT INFORMATION

Court: Dearborn Superior Court II
Judge: Brian D. Hill
Prosecutor: F. Aaron Negangard
Defense Attorney: Bryan E. Barrett
Probation Officer: Karrisa Simpson
Probation Department: Dearborn Superior Courts Probation
Department Phone No.: 812-532-3255
Address: 215 W. High Street Lawrenceburg, IN 47025

OFFENDER INFORMATION

Case No. (s): 15D02-1103-FD-084
Charging Name (s): Daniel Brewington
True Name: Daniel Paul Brewington Jr. Alias (es): Dan
Address: 2529 Sheridan Dr
City: Norwood State: Ohio Zip: 45212
Phone#- (home) (cell) SSN:
DOB: 11/16/73 POB: Cincinnati, OH
Age: 37 Race: White Sex: Male Ht: 6'0 Wt: 230 Eyes: Brown Hair: Brown
ID Marks: None
U.S. Citizen: Yes No Alien Status: N/A
Driver's License No.: State of Issue: Status:

Criminal Involvement (Check all that apply)

Charge(s) Pending Jail Felony Probation Comm. Corr. Juvenile Res Place
Detainer(s) Prison Misdemeanor Parole Violation(s) Juv. Detention 11BS/1GS

OFFENSE HISTORY

Present Offense(s): Intimidation (2cts), Intimidation of Judge, Perjury, Attempt to Commit Obstruction of Justice
Arrest Date: 03/11/11 Type of Release: Incarceration
Sentencing Date: 10/24/11 Jail Credit: 231 (462 days) including Hamilton Co
Co-Defendant(s):
Case No.(s): B.A.C.

ADDITIONAL INFORMATION

Warrant served in Hamilton Co on 3/7/11. Bond posted in Hamilton Co on 3/9/11 (Jail Credit 3 (6days))

COMMUNITY CORRECTIONS

CHARGEBACK OFFENSE: Y N CHARGEBACK IF SENT TO DOC: Y N
FACILITY/PROGRAM AT CAPACITY: Y N STAFFED BY COMM. CORR.: Y N
OTHER INFORMATION: _____

MARITAL INFORMATION

S M D W Sep.

Spouse/Other: _____
Address: _____
City: _____ State: _____ Zip: _____ Ph.: _____
Number of Dependents: 2
Court-ordered Support: \$ 175 Per: Wk Mo. Other: _____

EDUCATION, EMPLOYMENT, HEALTH

High School: Norwood High School
Grad G.E.D. y N Verified: y N
College/Vocational: University of Cincinnati
Employer: Unemployed
Position: _____ \$ _____ / _____
Hire Date: _____ Hours per week: _____
Mental Health Referrals: Y N Physical Problems: Y N Alcohol/Drug Use: Y N

CONTACT PERSONS

Name: N/A Relation: _____ Ph: _____
Address: _____
Name: _____ Relation: _____ Ph: _____
Address: _____

SENTENCING INFORMATION (Probation Use Only)

CONVICTED BY: PLEA BENCH JURY DATE: 10/06/11
CONVICTED OF: Intimidation (2cts), Intimidation of Judge, Perjury, Attempt to Commit Obstruction of Justice
EXECUTED TIME: _____ SUSPENDED: _____ LENGTH OF PROBATION: _____
SPECIAL CONDITIONS: _____

**DANIEL BREWINGTON
15D02-1103-FD-084**

I. SOURCES OF INFORMATION

**Interview of Daniel Brewington
Records from Dearborn County Prosecutor's Office
Records from Dearborn County Clerk's Office
NCIC Criminal Records Check
Hamilton County Sheriff's Department**

II. CRIMINAL HISTORY

A. Juvenile History

The defendant reported no juvenile history.

B. Adult History

The defendant has the following criminal history.

| | | |
|----------|---|--|
| 03/11/11 | Intimidation (2 Counts) Intimidation of a Judge Perjury Attempt to Commit Obstruction of Justice | 15D02-1103 FD-084 InstantOffense Sentencing 10/24/11 |
|----------|---|--|

C. Criminal Orientation

D. Summary of Legal History

The defendant reported he was convicted in 1995-1996 for an OWI in Campbell County, KY. He stated that he completed an education class for the offense. However, this offense could not be verified with Campbell County, KY as the records are purged after five years.

III. PRESENT OFFENSE

A. Official Version

Please see attached Grand Jury Indictment.

B. Defendant's Version

The defendant made the following statement "If I knew my actions were against the law I wouldn't have done it."

IV. VICTIM IMPACT STATEMENT

The Prosecutor's Office has stated that Dr. Edward Conner, Judge James D. Humphrey, and Heidi Humphrey will be present at the Sentencing Hearing to give a victim impact statement.

V. FAMILY/PERSONAL BACKGROUND

A. Family

The defendant was born in Cincinnati, Ohio to the union of Daniel and Sue (nee Fiorito) Brewington. The defendant has one younger brother, Matthew. The defendant reports having a good childhood. While growing up, the defendant's mother was a math teacher and his father worked in the beer industry, cleaning and installing draft beer systems. The defendant stated that both parents had been employed approximately 20 years in their field before retiring. The defendant's father passed away May 19, 1998 from cancer. The defendant has a very close relationship with his mother and brother. They have been very supportive during this time. His relationship with his family has grown stronger due to this situation.

B. Marital/Dependent Status

The defendant married Melissa Buechel on August 10, 2002 and divorced on January 8, 2007. They have two daughters together, Mary (DOB [REDACTED]) and Audrey (DOB [REDACTED]). The defendant currently pays \$175/wk in child support.

C. Educational History

The defendant graduated from Norwood High School in 1992. The defendant earned an Associates of Arts from the University of Cincinnati in 1996. He received an A+ Certification in 1999-2000 to work on computers.

D. Employment History

While in college, the defendant had worked at Contractor's Warehouse, a waiter/bartender at Barleycorn's, and as a Day Camp Counselor for the YMCA. After college, the defendant was employed at First Choice Rentals for 1 ½ years. He then worked as a material handler for Hill-Rom for about one year. He was then employed at Comp USA from May 2000 till June 2001, when he was laid off. At that time, the defendant worked on a home with his family to fix up and sell. The defendant also assisted on the family farm.

When his first child was born, the defendant was a stay at home dad for some time. The defendant then became self-employed in 2004 as a contractor for Secure America until about May 2006. The defendant was not employed at the time of his arrest. The defendant has expressed that he wants to get a job once released.

E. Military

None

VI. HEALTH

A. Physical

The defendant reports being in good physical condition and not under the care of a physician.

B. Mental Health

The defendant reports that he is prescribed Ritalin 50mg and Wellbutrin 300mg by Dr. Doug Logan at the Affinity Center for ADHD. There is no family history of mental illness or disorder.

C. Substance Abuse

The defendant reports first smoking marijuana when he was twenty years old. He would usually smoke with friends a couple times a week. He quit using once he graduated from college, but then started again a few years later and used off and on until he was married. The defendant also experimented with LSD and Mushrooms on about four different occasions when he was twenty-one years old.

The defendant began using alcohol when he was eighteen years old. He enjoys drinking socially with friends. The defendant has experienced hangovers, but not very many. The defendant reported that there is no family history of alcohol or substance abuse.

VII. EVALUATION/SUMMARY

VIII. RECOMMENDATION

FILED

MAR 07 2011

Phillip D. Weaver
CLERK OF DEARBORN COUNTY

CAUSE NO. *15D02001103-FD-84*

IN THE SUPERIOR COURT II
COUNTY OF DEARBORN
STATE OF INDIANA

STATE OF INDIANA

VS

DANIEL BREWINGTON

A True Bill

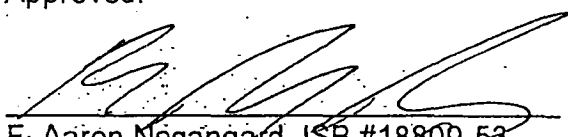
COUNT I: INDICTMENT FOR INTIMIDATION

I.C. 35-45-2-1(a)(2), a Class A Misdemeanor

The Grand Jurors of Dearborn County, State of Indiana, good and lawful men and women and legally impaneled, charged and sworn to inquire into felonies and misdemeanors in the name of and by the authority of the State of Indiana, on their oaths or affirmations, do present that on or about or between August 1, 2007, and February 27, 2011, Daniel Brewington did communicate a threat to another person, to-wit: Dr. Edward Connor, with the intent that Dr. Edward Connor be placed in fear of retaliation for a prior lawful act, to-wit: issuing a custodial evaluation regarding Daniel Brewington's children. All of which is contrary to the form of the statute made and provided by I.C. 35-45-2-1(a)(2), a Class A Misdemeanor, and against the peace and dignity of the State of Indiana.

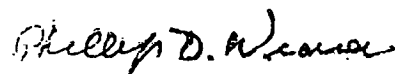
Foremar

Approved:



F. Aaron Negangard, ISB #18809-53

Prosecuting Attorney



Phillip Weaver, Clerk

Recorded this 2nd day of March, 2011.

STATE OF INDIANA)
)
COUNTY OF DEARBORN)

STATE OF INDIANA)
)
V.)
)
DANIEL BREWINGTON)

IN THE DEARBORN SUPERIOR COURT)
SS:)
GENERAL TERM, 2010)

CAUSE NO. 15D02-1103-FD-084)

FILED

MAR 08 2011

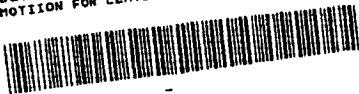
William D. Wilson
CLERK OF DEARBORN CIRCUIT COU

MOTION FOR LEAVE TO AMEND INDICTMENT

Comes now the State of Indiana by F. Aaron Negangard, Prosecuting Attorney for the Seventh Judicial Circuit, and prays the Court for leave to amend Count I of the Indictment in this cause to read as attached hereto.



F. AARON NEGANGARD
Prosecuting Attorney
Seventh Judicial Circuit
Dearborn County Courthouse
215 W. High St.
Lawrenceburg, IN 47025
(812) 537-8884
ISB # 18809-53




STATE OF INDIANA)
)) IN THE DEARBORN SUPERIOR COURT II
)) SS:
COUNTY OF DEARBORN)) GENERAL TERM, 2011
)) AMENDED
STATE OF INDIANA)) INFORMATION FOR:
))
)) COUNT I:
VS.)) INTIMIDATION
)) I.C. 35-45-2-1(a)(2)
DANIEL BREWINGTON)) CLASS A MISDEMEANOR

CAUSE NO. 15D02-1103-FD-084

COUNT I:

On, about or between August 1, 2007, and February 27, 2011, Daniel Brewington did communicate a threat to another person, to-wit: Dr. Edward Connor, with the intent that Dr. Edward Connor be placed in fear of retaliation for a prior lawful act, to-wit: issuing a custodial evaluation regarding Daniel Brewington's children and/or being a witness in the matter of Melissa Brewington and Daniel Brewington.

All of which is contrary to the form of the statute in such cases made and provided, to-wit: I.C. 35-45-2-1(a)(2), and against the peace and dignity of the State of Indiana.

Approved by me, , Prosecuting Attorney for the Seventh Judicial Circuit, this 8th day of March, 2011.

IN THE SUPERIOR COURT II
COUNTY OF DEARBORN
STATE OF INDIANA

FILED

MAR 07 2011

CAUSE NO. *15 DO2-1103-FD-84*
Phillip D. Weaver
CLERK OF DEARBORN CIRCUIT COURT

STATE OF INDIANA

VS

DANIEL BREWINGTON

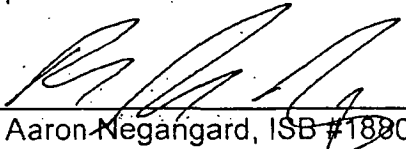
A True Bill

COUNT II: INDICTMENT FOR INTIMIDATION OF A JUDGE
I.C. 35-45-2-1(a)(2)(b)(1)(B)(ii), a Class D Felony

The Grand Jurors of Dearborn County, State of Indiana, good and lawful men and women and legally impaneled, charged and sworn to inquire into felonies and misdemeanors in the name of and by the authority of the State of Indiana, on their oaths or affirmations, do present that on or about or between August 1, 2009, and February 27, 2011, Daniel Brewington did communicate a threat to another person, to-wit: Dearborn-Ohio County Circuit Court Judge James D. Humphrey, with the intent that James D. Humphrey be placed in fear of retaliation for a prior lawful act, to-wit: issuing an Order regarding the dissolution of marriage between Daniel Brewington and Melissa Brewington, and James D. Humphrey is the Judge of Dearborn and Ohio County Circuit Court. All of which is contrary to the form of the statute made and provided by I.C. 35-45-2-1(a)(2)(b)(1)(B)(ii), a Class D Felony, and against the peace and dignity of the State of Indiana.

Foreman _____

Approved:



F. Aaron Negangard, ISB #18809-53
Prosecuting Attorney

Phillip D. Weaver

Phillip Weaver, Clerk

Recorded this 2nd day of March, 2011.

FILED

MAR 07 2011

Phillip D. Weaver
CLERK OF DEARBORN CIRCUIT COURT

IN THE SUPERIOR COURT II
COUNTY OF DEARBORN
STATE OF INDIANA

STATE OF INDIANA

CAUSE NO. 15D02-1103-FD-84

VS

DANIEL BREWINGTON

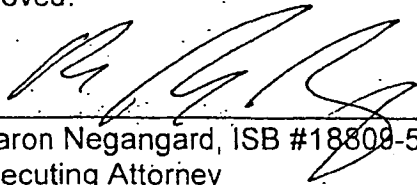
A True Bill

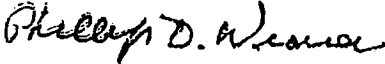
COUNT III: INDICTMENT FOR INTIMIDATION
I.C. 35-45-2-1(a)(2), a Class A Misdemeanor

The Grand Jurors of Dearborn County, State of Indiana, good and lawful men and women and legally impaneled, charged and sworn to inquire into felonies and misdemeanors in the name of and by the authority of the State of Indiana, on their oaths or affirmations, do present that on or about or between August 1, 2009, and February 27, 2011, Daniel Brewington did communicate a threat to another person, to-wit: Heidi Humphrey, with the intent that Heidi Humphrey be placed in fear of retaliation for a prior lawful act, to-wit: that her spouse, Judge James D. Humphrey, issued an Order regarding the dissolution of marriage between Daniel Brewington and Melissa Brewington. All of which is contrary to the form of the statute made and provided by I.C. 35-45-2-1(a)(2), a Class A Misdemeanor, and against the peace and dignity of the State of Indiana.

Foreman

Approved:


F. Aaron Negangard, ISB #18808-53
Prosecuting Attorney


Phillip Weaver, Clerk

Recorded this 2nd day of March, 2011.

FILED

MAR 07 2011

IN THE SUPERIOR COURT II
COUNTY OF DEARBORN
STATE OF INDIANA

Phillip D. Weaver
CLERK OF DEARBORN CIRCUIT COURT

STATE OF INDIANA

CAUSE NO. *15D02-1103-FD-84*

VS

DANIEL BREWINGTON

A True Bill

COUNT IV: ATTEMPT TO COMMIT OBSTRUCTION OF JUSTICE
I.C. 35-44-3-4, a Class D Felony

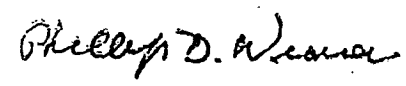
The Grand Jurors of Dearborn County, State of Indiana, good and lawful men and women and legally impaneled, charged and sworn to inquire into felonies and misdemeanors in the name of and by the authority of the State of Indiana, on their oaths or affirmations, do present that on or about or between August 1, 2007, and August 1, 2009, Daniel Brewington, acting with the culpability for the crime of Obstruction of Justice, did engage in conduct that constituted a substantial step toward the commission of the crime of Obstruction of Justice, to-wit: did intimidate and/or harrass Dr. Edward Connor, who was a witness in an official proceeding. All of which is contrary to the form of the statute made and provided by I.C. 35-44-3-4, a Class D Felony, and against the peace and dignity of the State of Indiana.

Foreman. _____

Approved:



F. Aaron Negangard, ISB #18809-53
Prosecuting Attorney



Phillip Weaver, Clerk

Recorded this 2nd day of March, 2011.

FILED

MAR 07 2011

Phillip D. Weaver
CLERK OF DEARBORN COUNTY
15 DO2-110 BIT-84

IN THE SUPERIOR COURT II
COUNTY OF DEARBORN
STATE OF INDIANA

STATE OF INDIANA

CAUSE NO.

VS

DANIEL BREWINGTON

A True Bill

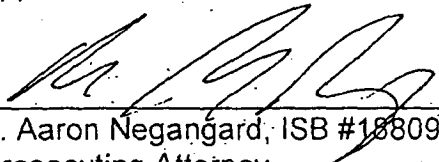
COUNT V: PERJURY

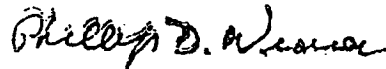
I.C. 35-44-2-1, a Class D Felony

The Grand Jurors of Dearborn County, State of Indiana, good and lawful men and women and legally impaneled, charged and sworn to inquire into felonies and misdemeanors in the name of and by the authority of the State of Indiana, on their oaths or affirmations, do present that on or about February 28, 2011, Daniel Brewington did make a false, material statement under oath or affirmation knowing the statement to be false or not believing it to be true. All of which is contrary to the form of the statute made and provided by I.C. 35-44-2-1, a Class D Felony, and against the peace and dignity of the State of Indiana.

Foreman

Approved:


F. Aaron Negangard, ISB #18809-53
Prosecuting Attorney



Phillip Weaver, Clerk

Recorded this 2nd day of March, 2011.

FILED

MAR 07 2011

Phillip D. Weaver
CLERK OF DEARBORN CIRCUIT COURT

IN THE SUPERIOR COURT II
COUNTY OF DEARBORN
STATE OF INDIANA

CAUSE NO. 15D02-1103-FD-84

STATE OF INDIANA

VS

DANIEL BREWINGTON

A True Bill

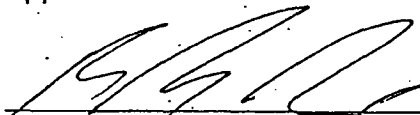
COUNT VI: UNLAWFUL DISCLOSURE OF GRAND JURY PROCEEDINGS

I.C. 35-34-2-10, a Class B Misdemeanor

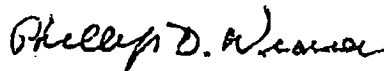
The Grand Jurors of Dearborn County, State of Indiana, good and lawful men and women and legally impaneled, charged and sworn to inquire into felonies and misdemeanors in the name of and by the authority of the State of Indiana, on their oaths or affirmations, do present that on or about February 28, 2011, Daniel Brewington did knowingly disclose information from Grand jury proceedings in violation of I.C. 35-34-2-10. All of which is contrary to the form of the statute made and provided by I.C. 35-34-2-10, a Class A Misdemeanor, and against the peace and dignity of the State of Indiana.

Foreman

Approved:



F. Aaron Negangard, ISB #18809-53
Prosecuting Attorney



Phillip Weaver, Clerk

Recorded this 2nd day of March, 2011.

FILED

STATE OF INDIANA)
COUNTY OF DEARBORN)
STATE OF INDIANA)
-VS-)
DANIEL BREWINGTON)
D.O.B. 11/16/1973)

IN THE DEARBORN SUPERIOR COURT II
General Term, 2011 ^{OCT} - 6

Alfred J. Weans
CLERK OF DEARBORN CIRCUIT COURT

CAUSE NO. 15D02-1103-FD-0084

JUDGMENT OF CONVICTION

This matter having come to trial on the 3rd day of October, 2011, and the jury having deliberated and returned a verdict of guilty on the 6th day of October, 2011, on Count I, Intimidation, a Class A Misdemeanor in violation of Indiana Code 35-45-2-1(a)(1); Count II, Intimidation of a Judge, a Class D Felony, in violation of Indiana Code 35-45-2-1(a)(2)(b)(1), Count III, Intimidation, a Class A Misdemeanor, in violation of Indiana Code 35-45-2-1(a)(1), Count IV, Attempt to Commit Obstruction of Justice, a Class D Felony, in violation of Indiana Code 35-44-3-4 and Count V, Perjury, a Class D Felony, in violation of Indiana Code 35-44-2-1(a)(1), the **COURT NOW ENTERS**

JUDGMENT OF CONVICTION FOR:

COUNT I, INTIMIDATION, A CLASS A MISDEMEANOR, IN VIOLATION OF INDIANA CODE, 35-45-2-1(a)(1);

COUNT II, INTIMIDATION OF A JUDGE, A CLASS D FELONY, IN VIOLATION OF INDIANA CODE 35-45-2-1(a)(2)(b)(1);

COUNT III, INTIMIDATION, A CLASS A MISDEMEANOR, IN VIOLATION OF INDIANA CODE 35-45-2-1(a)(1),

COUNT IV, ATTEMPT TO COMMIT OBSTRUCTION OF JUSTICE, A CLASS D

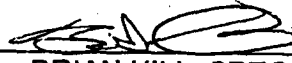


FELONY, IN VIOLATION OF INDIANA CODE 35-44-3-4 AND

COUNT V, PERJURY, A CLASS D FELONY, IN VIOLATION OF INDIANA

CODE 35-44-2-1(a)(1)

So ORDERED this 6 day of OCTOBER, 2011, at Lawrenceburg, Indiana.



BRIAN HILL, SPECIAL JUDGE
DEARBORN SUPERIOR COURT II

cc: Prosecutor
B. Barrett, Attorney for Defendant
Defendant
Probation